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THE NEW REPUBLIC

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JULY 11, 1994

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CORRESPONDENCE

Stonewalling

To the editors:

Bruce Bawer's June 13 article, "Notes on Stonewall," hit several responsive chords for me. The difficulty for those of us who primarily live and work in the straight world with so-called straight values is that we are constantly caught in a no-man's-land. Radical gay leaders think we are Uncle Toms, and straight friends adore our humor at the dinner table but don't let us babysit their kids.

Bawer's analogy that building acceptance for homosexuality is like teaching a language makes sense, with one flaw. Yes, foreign languages, like acceptance, must be taught bit by bit until the speaker feels comfortable. However, this metaphor ignores the fact that to become fluent one must totally immerse oneself in the culture. As someone not even willing to do this within my own subculture, I can hardly expect a straight person to become "fluent" or totally understand homosexuality.

MARK WEBSTER
Madison, Wisconsin

To the editors:

Bruce Bawer's argument that lesbians and gay men retreat to the rhetoric and actions practiced by the postwar homophile movement is a willful misreading of the political tenor of both that time and of our own. While not discounting the bravery of the early activists, the temperate discourse that Bawer favors grew out of both the desire to appeal to middle-class sensibilities and the realities of gay life in the '50s and '60s. Rather than being merely a lifestyle choice or political tactic, as Bawer suggests, conservative appearances and demeanors were personal strategies for physical survival.

If Bawer's misunderstanding of the homophile era is understandable, his novel interpretation of current events defies belief. By the absence of any reference to AIDS, I can only assume that he is sick of a political agenda defined by that singular topic. After testing negative, presumably, Bawer's "second generation" finds the radicalism engendered by the epidemic to be offensive. It isn't the anger of Stonewall that Bawer objects to, but rather the radical cacophony of ACT-UP or Queer Nation.

Bawer's flaccid suggestion—that gay men and lesbians become docents for those assumedly interested in learning about homosexuality—is nostalgic in the worse sense: he imagines a false past where rational arguments swayed hearts without displays of passion. For the past twenty-five years outrageous acts have done more to further attention on gay life than 1,000 hand-wringing homosexuals wanting to be liked.

TIMOTHY HAGGERTY
Pittsburgh, Pennsylvania

To the editors:

While making some legitimate points about educating straight America about gays, Bruce Bawer insults and denigrates those gays and lesbians whose work "in the trenches" has given him any voice at all. His fatal flaw is his need to attack anything that is remotely passionate—sensuality, activist politics, anger at injustice—revealing him to be the bloodless, conformist, toe-the-line, hat-in-hand supplicant he would like all of us gay and lesbian people to be. If he thinks activists in the last twenty-five years have only spent our time mooning over Stonewall, he should visit the courts, the halls of Congress, the board rooms and the legislative bodies where we have been "wisely and responsibly" fighting for our rights for two decades. I worry about a man with so dead a soul leading ambivalent gays away from embracing their diverse and vibrant community.

BETTY BERZON
Los Angeles, California

The only choice

To the editors:

The Kristol-Weigel position that abortion should be left up to the legislatures

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and not the courts is a joke ("Try Again" by Fred Barnes, June 13). If you adopt the "pro-life" position—that life begins at conception, a single abortion is murder and a system of legal abortion is a holocaust—then there can be no tolerance for a political system that leaves it up to legislatures to decide. Should each state have decided to raise an army to fight Hitler? *If* something is morally wrong, then the nation must act as a whole. As long as the GOP refuses to credit women with the moral authority to make such decisions for themselves—without help from Fred Barnes, Dan Quayle, William Bennett, Pat Buchanan, Pat Robertson or anyone else who thinks he has the right to control someone else's body—it will be a minority party.

ANTONIA STOLPER
ROBERT FERTIK
White Plains, New York

To the editors:

Voters who abandoned the Republican Party by the thousands in 1992 will not be lured back by a self-proclaimed "moderation" of, or a "strategic retreat" from, the Republican Party's abortion position. Tinkering with the mechanics of the anti-choice agenda does not change the goal of the anti-choice agenda, which has always been to make abortion illegal in this country. Bugling a retreat while running in place may make a big noise and kick up a lot of dust, but it does not qualify as a change in position, and no one will be fooled for long.

MARY DENT CRISP
Chair, National Republican Coalition for Choice
Washington, D.C.

To the editors:

Michael Kinsley states in "Bad Choice" (TRB, June 13) that "right-to-lifers ask a good question: Why should they be forced to help pay, through their taxes, for a procedure they find morally repellent?" The answer is quite simple: because their opinion is in the minority in this country, and just like conscientious objectors, etc., they cannot pick and choose which portion of their income taxes they can withhold to conform with their moral convictions.

H. J. NEUMAN
Clayton, Missouri

Flatulence

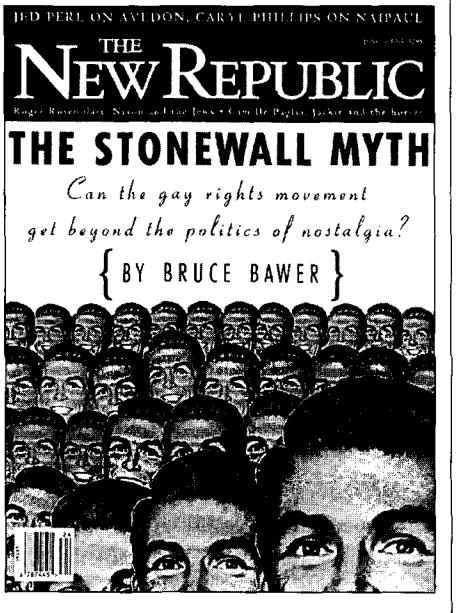
To the editors:

Regarding Camille Paglia's piece on Jackie Kennedy Onassis ("Jackie's Ride," June 13): Have you no shame? Apparently there are as many Jackies as there are journalists willing to make spectacles of themselves by going public with their fatuous flatulence. And now Camille Paglia! Her silly little wonder of a piece embarrassed me so I blushed in the privacy of my bedroom. The key to Jackie, Paglia tells us, is *dressage.* Jackie's love of riding became the shaping force for all her conduct: she saw life as a horse to be tamed and coaxed. And hers is the big-footed Jackie, the hermaphroditic Jackie. Paglia needs to shovel the stall in her own odd brain. Perhaps there are many Paglias. My Paglia is the horse manure Paglia.

MARY ELLEN MILLER
Bowling Green, Kentucky

To the editors:

Camille Paglia's attempt at equine metaphor proves once again what veterinarians have known for years: there are



more horses' asses in the world than horses. Dressage is hardly "the art of English horsemanship." It is a highly specialized form of human/horse athleticism descended from the uses of the horse in war in Central Europe and especially perfected by Prussians and Germans. Not for nothing is the famous Spanish Riding School (yet another story) and its Lipizzaners in Vienna. Paglia is no doubt confused by what she simplemindedly infers is an "English" (as opposed to "Western") saddle (another misnomer) used in dressage. One doesn't particularly "school" colts any more than one schools fillies, mares, geldings or stallions, and the term "school" applies as much to the rider as to the horse. And Paglia's ludicrous reference to the "crouching 'forward seat,' " rather than lending whole new meaning to another equine term, "asinine," embodies its essence.

FRANKLIN M. LOEW, D.V.M., PH.D.
Boston, Massachusetts

Camille Paglia replies:

Reading an elegy to elegant Jackie, the mulish Kentucky lady thinks only of "manure." In New York sex clubs, this is called coprophilia, and it comes with its own recovery group. The blinkered Boston gentleman should be put out to pasture. Jackie was indeed trained, as I correctly stated, in what Americans call the "English," as opposed to "Western," riding style. Knowledgeable readers would have caught my historical allusion to continental dressage in "ancien régime," which does not apply to British politics.

Not coerced

To the editors:

In "Greek Pique" (June 13), Hanna Rosin misquotes me when she writes, "The more the economy deteriorates the more [the Albanians] sit at cafés and drink and smoke and discuss politics." When I made this statement, I was referring to the population as a whole and not the Albanians. I intended to indicate the potential political and social dangers that this latest Greek embargo, which is in the fourth month, is creating in Macedonia. The Republic of Macedonia has always been ready to discuss with Greece all issues to a mutually beneficial outcome. But the Republic of Macedonia will not be coerced by Greek embargoes.

It is tragic that the greatest democracy, the United States, still has not established diplomatic relations with the only republic of former Yugoslavia to declare independence peacefully. The Republic of Macedonia should not be judged by what Yugoslavia's Tito did in 1946, but rather by what the Republic of Macedonia's President Kiro Gligorov has done and said—following democratic principles and calling for good neighborly relations.

LJUBICA Z. ACEVSKA
U.S. Representative of the Republic of Macedonia
Washington, D.C.

Annus

To the editors:

Whatever the reasons for Erwin A. Glikes's departure from the battle-scarred Columbia College of the late '60s (Notebook, June 13), a lack of knowledge of rudimentary Latin was not among them. No matter how *mirabilis* the year, Glikes was too fine an editor to take *anno* as a nominative singular.

CHARLES REICHMANN
Berkeley, California

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TRB®

FROM WASHINGTON

A normal murder

Should we blame O.J. Simpson or pity him? My own preference would be to weasel out of this question by trying to do both. But the law doesn't allow that. If Simpson committed his alleged crimes of his own "free will," he is guilty of murder and deserves to suffer the consequences. But if he was "temporarily insane," then he was a victim of forces beyond his control and deserves leniency. Blame or pity—this is the choice that most likely will face his jury.

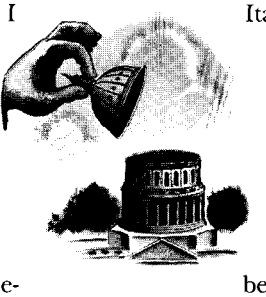
There is an appealing simplicity to this formula, and it dovetails conveniently with the human tendency to divide people into good and evil. But the more you think about the jury's two options, the dumber they seem.

The first successful temporary insanity plea came in an 1859 case somewhat like Simpson's. A well-known man—a New York congressman named Daniel Sickles—killed someone he thought was fooling around with his wife. He seems to have been right; it was only after securing a signed confession from his wife that he marched over to Lafayette Square, right in front of the White House, and shot the offender, the son of Francis Scott Key. Sickles insisted that his jealousy hadn't had time to cool before he pulled the trigger. The jury agreed, and he resumed his zestful life, serving as a major-general in the Civil War, holding high government offices and having an affair with the queen of Spain.

From the beginning there was something ironic about the temporary insanity defense. Though supposedly an extension of the generic insanity defense, it actually worked in the opposite direction. The generic insanity plea depicts the accused as an alien being, someone who lacks a normal human frame of reference. Thus Jeffrey Dahmer's lawyer tried—unsuccessfully—to exploit the fact that eating human hearts and refrigerating severed heads is not the sort of thing jurors can easily imagine doing. The key to Sickles's defense, in contrast, was that every one of his jurors (all males) could imagine getting pretty steamed after discovering a wife's infidelity. His "temporary insanity" plea was actually a claim of normality.

If Simpson opts for the temporary insanity defense, he, too, will be trying to bond with male jurors, playing for their empathy. He'll probably get some of it. The average man has at one time or another had occasion to get his jealousy switch flicked, and to feel the attendant warping of cognition: the hypersensitive, even paranoid, suspicion of sexual infidelity, the growing rage toward both the woman and her presumed paramour.

Of course, some male jurors who can relate to jealousy per se would still have trouble letting Simpson off the hook. *Their* jealousy, after all, never led to violence; *they* never killed a sexual rival, much less a wife. Well, I can proudly make the same claim. But, then again, I have the blessing of physical weakness. If I, like Simpson, were a mass of shimmering muscle tone and had spent three decades as an alpha male, routinely deferred to by men everywhere, my sense of entitlement might be more expansive and assertive, and my record of nonaggression more spotty.



And, for that matter, if I had grown up black and poor in America, and then suddenly found myself rich, lionized and in possession of a beautiful white woman, I might suffer bouts of residual insecurity. (Would she rather be with a white man, if it weren't for my fame and money?) This might charge my jealousy antenna with extra acuteness.

If you carry this sort of analysis far enough, extending it to finer and finer details of Simpson's formative influences, you may wind up at the conclusion that, had you been in his shoes, you would have done exactly what he did. The only reason your innately twisted male psyche has never led to murder is that it didn't get further twisted by the environment that twisted his.

To understand that we are all victims of the decisive interplay between our genes and our environment is to approach the acme of moral enlightenment and the wellspring of compassion. Unfortunately, if this insight translates into leniency, a translation that current legal doctrine encourages, it is also a recipe for social chaos. That's why we need to get out of the habit of talking about the metaphysical basis of "blame" and talk instead about the practical effects of punishment.

Thus, we may grant that Simpson was "temporarily insane"—not reasoning clearly about the consequences of his actions—at the time of the murder, and, maybe, every time he beat his wife. We may grant that he was thus a victim, and we may earnestly regret the pain that punishment will cause him. But the fact remains that this well-publicized punishment will also, by underscoring society's intolerance for spousal abuse, help some women who are now at risk. (Though jealous rage may render men temporarily insensitive to punitive incentives, decisions that precede the rage—e.g., should I go spy on my ex-wife?—are made more coolly.) And the net effect of the punishment—the gain going to those women minus Simpson's suffering—will surely be positive.

This sort of strictly pragmatic, yet utterly humane, penal philosophy was set forth by the eighteenth-century Italian criminologist Cesare Beccaria (remembered also for his crusade against torture and capital punishment, which he judged superfluous, practically speaking). It was then picked up in the nineteenth century by the English utilitarian Jeremy Bentham. It has been largely neglected since, but is ideally suited to a time when the physical forces driving human behavior are becoming increasingly visible. (Don't be surprised if the Simpson trial features expert testimony about testosterone's effects on the brain.) For it lets us reconcile deep understanding with necessary intolerance.

As things stand, jurors are essentially forbidden from attempting such a reconciliation. Pity or blame, but not both. There is thus a real chance that they will find Simpson innocent of murder (if guilty of a lesser charge) by virtue of temporary insanity, thereby missing an opportunity to have great impact on the high rate of domestic violence. Meanwhile, Dahmer (who, granted, needs to be kept off the streets, whatever label we put on him) gets judged "sane" and thus "guilty." Presumably that unflinching verdict will do much to stem the rising tide of cannibalism in America.

The perversity is pretty rich. Dahmer got no leniency because no one can identify with him—which is also why punishing him has little ameliorative effect on anyone's behavior. Simpson stands a chance of acquittal because almost any man can relate to his rage, can see it as in some sense normal; and that very normality—the fact that his crime was an extreme expression of natural, widely felt impulses—is precisely why punishing him would do a world of good.

ROBERT WRIGHT

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THE NEW REPUBLIC

JULY 11, 1994

THE EMPTY SUIT, CONT'D

However clumsy and dilatory the Clinton administration has sometimes been over the last year and a half, it has never gotten so bad that the ghost of George Bush has sprung longingly to mind. Even in foreign policy, where the performance has been more or less spectacularly incompetent, the idea of handing power back to Scowcroft, Baker and company has still been unthinkable. But now, in the matter of North Korea, it is becoming possible to think the impossible.

In Bosnia, in Haiti, in China, the failure has been moral and strategic, but it has not directly threatened the core interests of the United States. Now, a combination of weakness, confusion and abdication has made Kim Il Sung, the Ceauşescu of Asia, seem like a universal menace *and* a diplomatic master. Of course, this feat could not have been accomplished without Jimmy Carter; but Carter could not have done it all on his own.

Given Carter's unequivocal, impassioned opposition to the Clinton administration's policy of sanctions toward North Korea, it is incomprehensible why he was given permission to pursue his mission of appeasement in the first place. The administration should not have been surprised when he turned around and brazenly undermined his own country's negotiating position, humiliating the administration in full view of the world. That Clinton should then have acquiesced in Carter's buying Kim Il Sung more time was his final capitulation to the diplomacy of drift.

And then, in the confused days following Carter's dramatic intervention, the administration ventured boldly where no administration in a foreign policy crisis had gone before: it held a seminar. Really, it did. The White House staff invited a variety of experts to educate them about the situation. "It's basically all the guys who have been trashing us in op-ed pieces," an official told *The Washington Post.* Even Warren Christopher participated. No doubt he, too, hoped to clarify what a secretary of state should do.

The pattern here is familiar enough. A real danger to international order is detected (Serbian aggression, North Korean bombs). The United States talks tough and belatedly attempts to assemble an international coalition. There is resistance to the coalition. The United States sends an envoy (Christopher to Europe in the case of Bosnia, Carter to Pyongyang in the case of North Korea) who swiftly acquiesces in the allies' reluctance and the aggressor's violation of international norms. The United States changes its negotiating position and climbs down from any form of confrontation, while pretending, as the administration did for a year in Bosnia and is continuing to do in North Korea, that it is still resolute in its intentions. Oh yes, and always they talk.

Defenders of this abdication say, first, that the diminishment of foreign policy enables Clinton to concentrate on his agenda at home and, second, that it has not led to a calamity anywhere abroad. This is fallacious on both counts. The administration's failure abroad has delegitimized it at home (Americans, it turns out, do sometimes care about dangers abroad); and Clinton's surrender of autonomy to allies and enemies abroad has been matched by a similar surrender to allies and enemies at home. It's no accident that the administration's health care reform is dead at the same time that its international credibility is in tatters. The same man—the same mentality—is presiding over both.

Moreover, there *has* been a calamity abroad, and more are to come. The atrocities in Haiti have increased on Clinton's watch. And a sovereign country has been occupied in central Europe and a genocidal campaign has been launched against its inhabitants. The capitulation to the Serbs in Bosnia sent a signal of American vacillation abroad. Raoul Cedras noticed. And so, obviously, did Kim Il Sung. And the logic of the American retreat will continue, as the capitulation to Kim Il Sung, too, will be noticed.

Appeasement is a systemic thing. Its perils are cumulative. Eventually they will demand the use of force that early steadiness could have avoided. But the president seems perfectly content to employ a secretary of state who has been a passive, almost a silent, player. In crisis after crisis, Christopher has nothing strong or interesting to say, and seems to have ceded the management of the Korean threat, and its public explanation, to a junior official named Robert L. Gallucci. By delegating a major foreign policy maneuver to his old boss, Jimmy Carter, he humiliated his own president. His credibility in foreign capitals is fast approaching zero. His credibility in Washington reached that point long ago. It has long been true that Christopher is a liability to the White House. He has now become a liability to the United States. •

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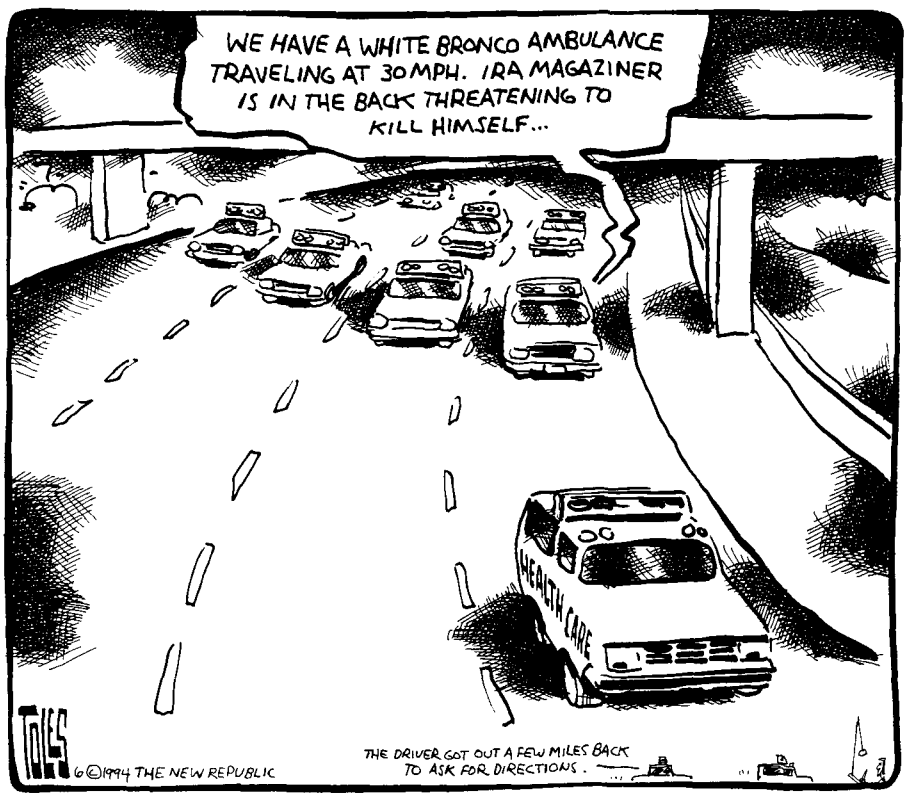
NOTEBOOK

HOME TO ROOST: When it was revealed that a lawyer for Tyson Foods helped Hillary Rodham Clinton make a quick $100,000 on the commodities market in the late '70s there was a jaded defensive cry from worldly Clinton supporters. It was a long time ago, after all, in Little Rock. The Tyson lawyer, James Blair, was just being a friend. What could Tyson—the giant Arkansas-based poultry processor—want from the White House anyway? Well, it turns out there is at least one thing: preservation of a Department of Agriculture rule that allows chickens to be labeled "fresh" even though they've been frozen to as low as one degree Fahrenheit. This rule benefits Southern producers such as Tyson and ConAgra, who freeze their birds before shipping them to the East and West Coasts, where they are sold as "fresh." The rule hurts local producers whose chickens don't need to be frozen, and threatens consumers who unwittingly refreeze a bird they thought was fresh, which may increase the chance of bacterial infection. What is the Department of Agriculture for if not to ensure safety and honest labeling? Local producers in California, a $2.5 billion chicken market, want the Clinton administration to change the absurd frozen-is-fresh rule. That would cost Tyson Foods millions. But surely the Clintons haven't been bought by Tyson for a mere $100,000. Surely they (and Agriculture Secretary Mike Espy, who has reimbursed Tyson for various minor freebies) will do the right thing, or, at the very least, recuse themselves. Surely.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THIS JUST IN FROM MARS: "The openly heterosexual former football player, O.J. Simpson, was arrested today and charged with the murder of his former wife and her companion. The arrest sent shock waves throughout the heterosexual community, as one of its most popular icons revived old stereotypes that surround the heterosexual lifestyle. 'Wife-beating is not equivalent to being heterosexual,' said Joe Eightpack, a spokesman for the Straight Alliance Against Defamation. 'While it's true that some heterosexuals engage in spousal abuse, it's still no more common among straights than among gays.' But opponents of heterosexual rights seized on the incident. 'Every year, hundreds of thousands of women are the victims of this immoral subculture,' said the Rev. Donald Gaylord, spokesman for the Concerned Homosexuals of America. 'There appears to have been a heterosexual ring in Los Angeles, including the police force, that covered up this depraved activity for years. I'm particularly concerned about saving our children from this kind of example.' Statistics suggest a large minority of heterosexual males are involved in some kind of domestic violence: one in four heterosexual relationships involves violence, with 2 million to 4 million women affected each year. Researchers who claim that heterosexuality is a choice and not, as some believe, involuntary, argue that this makes it even more important not to give social sanction to the activity. 'It's not heterosexuals as such that we're opposed to,' argues Gaylord. 'It's their self-destructive lifestyle.' "

ALL IN THE FAMILY:

Clinton Hints He May Bend on Health Reform

—*The Los Angeles Times*, June 21

Hillary Clinton Says Veto Is Possible on Health Bill

—*The New York Times*, same day

OUT OF THE MOUTHS OF ANCHORPEOPLE: "We at moments like that are reduced to roughly the same level as that of the audience."—Peter Jennings, reflecting to *The Washington Post* on the live coverage of O.J. Simpson's flight and surrender •

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OXFORD POSTCARD

PORTERGATE

By Peter Beinart

What do you do when the president of the United States is sitting in the dorm room next to yours, and you can't even open the door to say hello? That was my dilemma at 2 p.m. on June 8, when the president and Mrs. Clinton came to inspect his old haunts at University College, Oxford. Rumors of the president's "unplanned, spontaneous" visit to his old room had been circulating for weeks, and they were confirmed when the groundskeepers replaced the name plate across the hall with "W.J. Clinton." In the room he would meet his old porter, a man he remembered fondly for his earthy wisdom.

My strategy was simple: sit in my room until the fateful hour and then open the door as the president walked by. Realizing that I was an American Rhodes Scholar wrestling with many of the same issues that gripped him a generation ago, Clinton would surely pop in for a chat. If that wasn't enough, I bought some cookies.

Alas, several Secret Service men in salmon-colored suits foiled my plan. Entering my room with a large dog, they informed me that the president was not to be bothered. As if to underscore their seriousness, they mentioned that sharpshooters were trained on my window. I could stay in my room only with the door and windows shut. There were to be no disturbances.

But given such a monumental networking opportunity, Rhodies don't give up so easily. I devised a plan to bypass the feds and make contact with Bill. The bathroom downstairs had been spruced up for the president's arrival. I hid a rolled-up note in the toilet paper dispenser. This seemed like a pretty safe bet. Nearly all the other students had been evacuated (the Irish undergraduate currently occupying Clinton's room had been bought off with a presidential handshake), and I doubted that the Secret Service agents would use the facilities themselves. Moreover, the president and Mrs. Clinton were coming straight from lunch. When the president or Hillary yanked on the roll, my note would fall out. The missive explained my qualifications for a presidential visit and implored the First Couple to knock on my door.

Satisfied with my new plan, I awaited the president's arrival. In the meantime the president's food steward came by, armed with Diet Cokes. Pressed on Clintonian eating habits, he admitted that White House health consciousness had taken its toll. The president, in stark contrast to his McDonald's image, had started eating veggie burgers. I looked incredulous. "No, really," he protested, "you put some mustard, relish and hot sauce on those babies and the president likes them fine."

Then came the legendary porter. The old man looked scornfully at the Bob Marley posters covering the walls. "What stories these old walls could tell," he mused.

I heard the entourage approaching and scrambled back inside my room. My head pressed against the door, I heard Bill and Hillary ascend the steps. The president greeted his former porter warmly, but the old guy's earthy wisdom proved more than the First Couple bargained for. When Clinton mentioned that he had just returned from Normandy, the porter registered his opposition to the presence of politicians at the celebrations. "It should have just been the soldiers talking," he declared.

That was just the beginning. "The papers write a lot about your marriage," he announced. No reply from the Clintons. "When I see that stuff, I think to myself: it's an odd couple that don't fight now and then. It's perfectly normal really." Uneasy laughter.

By now the conversation had practically become a monologue. "Must be hard to run a country with so many nationalities," the porter reflected. "It's tough enough here, and we don't have nearly so many." A mild rebuttal from the president didn't get far. Then Bill excused himself and went downstairs to the bathroom. My heart raced with anticipation.

Meanwhile, breaching taboos right and left, the old guy told Hillary that he had read that she was the really tough one in the White House. "Doesn't surprise me," he said. "It's always the female of the species who's got the bigger bite."

With this, Bill ascended the stairs and I awaited my moment of glory. The president had gotten a message, but it wasn't mine. The student from Singapore who lived below me had placed a sign on his door protesting "U.S. cultural imperialism" and expressing his support for caning. Bill announced that he had written a reply. "I wrote that it's about proportionate punishment, not cultural imperialism," he declared.

With that, the reunion drew mercifully to a close and the Clintons zoomed off to the next leg of their Oxford tour. Mystified, I snuck down to the bathroom. My note lay on the ground unopened. I was distraught. I had missed my chance with the president. Worse, faced with this unique opportunity for moral protest, University College had alerted the president not to the horrors in Rwanda or Bosnia, but to the value of caning!

The president's old porter might have approved.

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From Marshall Tito to Kim Il Sung.

CARTER'S DICTATORS

By Joshua Muravchik

Former President Jimmy Carter says his recent journey to North Korea enabled him to "observe [the North Koreans'] psyche and their societal structure and the reverence with which they look upon their leader." The reverence for Kim Il Sung seems understandable on the basis of Carter's impressions: "I found him to be vigorous, intelligent, surprisingly well-informed about the technical issues and in charge of the decisions about this country." As for the country, Carter reported that in North Korea, "people were very friendly and open." The capital, Pyongyang, is a "bustling city," where shoppers "pack the department stores," which look like "Wal-Mart in Americus, Georgia." "They are really heavily into bright neon lights," reported the former president.

Why does this ring familiar? Maybe it's because Jimmy Carter, for all his heroic advocacy of human rights, has a long history of melting in the presence of tyrants. Perhaps best remembered are the photos of Carter hugging and kissing on both cheeks a somewhat nonplussed Leonid Brezhnev at their June 1979 summit, a few months before the Soviet invasion of Afghanistan, and Carter's toast to the Shah of Iran. Iran, Carter told the Shah, is an "island of stability," because of the "love which your people give to you." Since this assessment came just months before the rioting that culminated in the Shah's overthrow, Kim might take mixed comfort from Carter's observations about his people's "reverence" for him.

Perhaps less well-recalled is Carter's judgment of Marshall Tito of Yugoslavia. During a visit to Washington in March 1978, Tito was hailed by Carter as "a great and courageous leader" who "has led his people and protected their freedom almost for the last forty years." Carter also said that Tito was "a man who believes in human rights" and who "as much as any other person ... exemplifies ... the eagerness for freedom, independence and liberty that exists throughout Eastern Europe and indeed throughout the world." (Tito was not alone in his belief in human rights; two months earlier Carter had come away from his meeting with the Shah saying, "The Shah is very deeply concerned about human rights.")

Still another foreign leader praised by Carter for his views on human rights was the late Nicolae Ceauşescu, who showed up in Washington a month after Tito, perhaps wanting to get in on a good thing. Carter did not disappoint. He said of the Romanian dictator: "Our goals are the same, to have a just system of economics and politics, to let the people of the world share in growth, in peace, in personal freedom and in the benefits to be derived from the proper utilization of natural resources. We believe in enhancing human rights. We believe that we should enhance, as independent nations, the freedom of our own people."

A Communist ruler did not have to be a maverick like Tito or Ceauşescu to win Carter's praise. Visiting Poland during the reign of First Secretary Edward Gierek, a stolid Stalinist, Carter observed that "our concept of human rights is preserved in Poland ... much better than other European nations with which I'm familiar." And Carter offered a toast to "the freedom of the Polish people [and] to your enlightened leaders—particularly First Secretary Gierek and his wife." One presumes that the North Koreans were aware of this extraordinary estimation of Mrs. Gierek, who normally was no more visible than other spouses of Communist apparatchiks, when they decided to honor Carter with an audience with Mrs. Kim, who, according to *The New York Times*, "is rarely seen in public."

In May 1977 Carter first met Syrian President Hafez al-Assad. Carter noted in his diary: "It was a very interesting and enjoyable experience. There was a lot of good humor between us, and I found him to be very constructive in his attitude...." Later, however, Carter complained that Assad "sabotaged the Geneva peace talks." But one bad experience has not made Carter cynical. Kim told his guest that he wanted peace, not nukes, and so, announced Carter, "the crisis is over."

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Why his running days are over.

FROZEN O.J.

By Arion Berger

About halfway through O.J. Simpson's freeway ride a Los Angeles television station put in a call to his first wife, Marguerite, asking if she had any words for O.J. Being part of a nation that watches too much television, the anchors expected her to add her voice to the other gentle solicitations of friends and family members who had been imploring Simpson to give himself up. "Run!" she screamed. "Did you say 'run'?" asked the anchor, already fingering the disconnect key. "Go O.J.! Run!" They pulled the plug on her so fast you could almost hear the pop.

In these situations—and modern life is rife with

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them—such advice is usually inappropriate. But Simpson was not your common or garden fugitive; as one criminal defense lawyer with a gift for the odd turn of phrase told *The New York Times*, "He's sui generis. Like Kleenex." The exchange was only disconcerting because, unlike the rest of the bewildered coverage, it was perfectly in keeping with this country's expectations of this particular black hero. From his monumentally skillful college and pro football career up to his last inglorious fifty-mile dash, we have asked, encouraged, demanded that O.J. Simpson *run*. So he played by what he assumed to be the rules, even under the extreme pressure of the circumstances, making a rather stately rush for the place everyone expected him to end up—home. That he did this with a gun in one hand points to at least some ambivalence about the whole matter of being O.J. Simpson.

It's easy to take Simpson for granted as a pop culture omnipresence, because we've become used to watching ex-athletes refashion themselves—as sportscaster, pitchman, actor. But there was none of that going around for black athletes in the late '60s. Simpson was a prototype of the black sports superstar, the first post-segregation football hero and the trailblazer for the kind of enormous and often color-blind fame that figures from Michael Jordan to Charles Barkley enjoy today.

Simpson came up at a time when the acceptable model for a black hero was Sidney Poitier, a terrifically handsome man and a fine actor who was asked only to be noble and keep his hands off his leading ladies. The language used to describe men who occupied this severely proscribed space was polite, even relieved; it was all code for "harmless." If they wanted the big-time goodies white culture allowed, Simpson and Poitier (oh, and Bill Cosby, for sure) were expected to appear as unthreatening as they were ambitious.

This is the box in which O.J. Simpson was asked to exist, in public and in private. At moments it may have felt something like freedom, but any man who beats up his wife as often as Simpson is said to have must be reeling from a lifetime of powerlessness. As the trophy wife, Nicole was a symbol of his success and its unbearable compromises, and the victim of both. The pressure shows in his face; equal parts athletic nobility and curiously unformed vagueness. There's something soothing but infantile about his perpetual expression of clouded, half-smiling placidity. He wears the face whether tearing down the field or handcuffed to policemen—always distant, serene, naive. (He looks no less zonked under heavy sedation.) It is either the face of a man at peace with himself or in a spiritual coma. Even his agonizing letter betrays a sense of a soul arrested somewhere in its growth. It's the work of an educated man who understands words. But it also sounds like the product of a frightened child—"No matter what the outcome, people will look and point."

The very idea of the black role model is based on an extravagantly false premise: when whites invoke the term, it is to affirm someone as an image of black manhood acceptable to white culture. Young black men, in this as in everything else, are on their own. Of course, American standards for all heroes are absurd—just ask Pete Rose—but when a white star buckles spectacularly, it confirms our belief in the myths as myths. The insis-

And Another Thing...

Was that O.J.'s dog sitting in front of the Ford Bronco, with the entire force of the Los Angeles County Sheriff's Department circled? Did the dog lick, nudge or leap on O.J.? Was O.J. in handcuffs at the time of the licking, nudging or leaping? Did O.J. greet the dog, however briefly?

Who is the gentleman who spoke to Peter Jennings claiming to have a view of O.J. in the truck, and was then exposed by Al Michaels as a farce since he "mentioned the name of a radio talk show host"? Was that radio talk show host Howard Stern? Rush Limbaugh? How did that caller get on the air? Will Mariel Hemingway star as Nicole Simpson in the made-for-T.V. movie? How many Washington journalists, watching the chase, debated how *The New York Times* would play the story the next day? How many guessed banner?

How many angry fans called NBC to complain that parts of the fifth game of the NBA finals were preempted by Simpson coverage? Which NBC official was making the call on whether to cut from the game to the spectacle, or back from the spectacle to the game? Did G.E. get involved? Did Letterman writers begin drafting top-ten lists before the surrender, or did they hold out a few hours to see what would happen? Blockbuster's rentals of *Naked Gun 2 1/2*: up, down or even? How many viewers of the T.V. coverage grimly expected the windshield to crack?

Dershowitz—only a matter of time?

When Gil Garcetti, the L.A. district attorney, joked that "I hope my son isn't watching overseas right now," was he? How many years will Al Cowlings get? Had O.J. committed suicide with his help, could Cowlings have been prosecuted under laws forbidding assisted suicide? Did O.J.'s first lawyer resign the case because he thought his client was guilty? How many helicopters were in the air? Could Prozac have been helpful to O.J.? Did O.J. think that leaving a bloody glove at the murder scene, taking the matching (and also bloody) glove to his home, was a sharp idea? Did O.J. see *Speed*? Did he particularly enjoy the freeway scenes? That glass of orange juice—freshly squeezed? If Tropicana, regular or homestyle?

How quickly was the St. Martin's Press biography of O.J. written, in words per minute or pages per hour? Did Hakeem receive O.J. updates during halftime and time-outs? Did Bob Costas shed tears the evening of July 17? How many persons have actually seen O.J. Simpson, before this week a voracious traveler, actually run through an airport? Will Bart refer to the O.J. episode in a chalkboard message on a "Simpsons" episode next season? How many network anchors referred to Nathaniel West? How many phone calls were placed by Tina Brown, or an assistant on her behalf, in the three hours before and the three hours after Simpson's arrest? Ditto Mike Ovitz? Is Mariel available? Who'll play the dog?

JOSHUA SHENK

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tence on absolute rectitude of African Americans, on the other hand, is driven by white fears, all of them as fashionable as they were in Steppen Fetchit's day—the assumption that black men are microversions of their race and sex, and that they are natural thugs whatever their surface veneer (no one asks if the insistence on that veneer could drive a sane man to violence).

The curse of being a prototype on the scale of an O.J. Simpson is that the role creates new standards even as it destroys its antecedents. If Simpson was stifled by the images of black success that preceded his reign, and which he accepted as its price, he must have been baffled when the rules that applied so neatly to him became irrelevancies for others.

But the demands on black superstars—especially sports heroes, because of the physical nature of their work—are as freely in play as they ever were. As the great dance critic Arlene Croce said about Fred Astaire's blackface number, the "we" who don't do that stuff anymore never did it then. The only difference is that Simpson, unlike, famously, Barkley, was never permitted the luxury of questioning his role. Unwittingly, Peter Jennings observed that it's too late for any such soul-searching now: "We don't know whether they've been chasing a man who's been charged with multiple murder or whether they're chasing a man who, as we heard earlier on the news, was a role model for so many." Which man, indeed? Saint or brute, brute or saint, pal; the clock is ticking.

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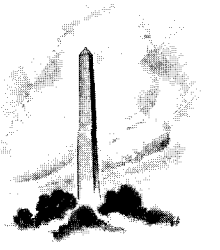
ON THE HILL

HEALTH CARE HELL

By Weston Kosova

The papers played it up, but Democrats on Capitol Hill weren't surprised last Sunday when Senator Daniel Patrick Moynihan showed up on "Meet the Press" and pronounced universal coverage dead. "This Congress, no," he said. Moynihan was merely voicing what every member of Congress knows by now, though many are loathe to admit it: if the health care bill that eventually reaches the House and Senate floor has to include a mandate—the only way to reach universal coverage—there isn't going to be a bill.

The committees working on health care aren't just temporarily stuck over mandates; they are, to coin a phrase, gridlocked. "We are still at an impasse," sighs Democrat Jim Cooper, who sits on the House Energy and Commerce Committee. Cooper's Energy colleague Michael Bilirakis, a Republican, is more blunt. "We're not even bothering anymore," he says flatly. Much as the White House and the congressional leadership would like to peg their frustrations on the handiwork of nasty Republican obstructionists, the unhappy reality is that it's Democrats, not Republicans, who are really blocking a comprehensive health care bill. Dozens of moderate and conservative Democrats are firmly against any proposal with Clinton's mandates and cost-controls.



Sure, conservatives like Newt Gingrich and Republican oracle William Kristol are attempting to derail any chance for compromise by commanding fellow Republicans to balk at everything. But Kristol's scribblings are not law in all Republican quarters. "I think the best way I've heard Bill Kristol described is, 'Big hat, no cattle,' " says one Republican Senate staffer. "Everyone reads his little missives, but no one pays attention." And Gingrich's efforts would be irrelevant if Democrats weren't badly splintered. "Every day I hear people complaining about the Republicans doing this and keeping us from doing that," an aide to a Senate Democrat says. "Forget the Republicans. We've got to find a way to sell to Democrats."

So far, they haven't had much luck. Of five congressional committees, only one—Edward Kennedy's Senate Labor and Human Resources—has managed to approve a Clintonesque bill. (Kennedy's version requires all but the smallest employers to pay most of their workers' health care costs.) The other panels are still snowed in. The House Energy and Commerce Committee is being held hostage to Chairman John Dingell's refusal to entertain any kind of compromise on his version of the Clinton bill. "Chairman Dingell has been trying to get votes for a Clinton-style plan," says Cooper. "Now, I don't think he ever expected my vote, but I think he was confused when many other Democrats refused to go along with it, either."

The same goes for House Ways and Means. Sam Gibbons, the new chairman, is asserting his authority by clumsily attempting to ram the hull of former Chairman Dan Rostenkowski's legislation through the committee against the opposition of both Republicans and Democrats. To confuse matters more, Gibbons has proposed a financing scheme so arcane that members of the committee are actually unable to decipher it.

Even the Senate Finance Committee, where the heads are generally cooler than in the House, has failed month after month to come up with a compromise. In typically dramatic style, Moynihan spent the last two weeks loudly attempting to push a Clinton-like bill through his committee in order to show the president how futile the effort was. "I think it was pretty clear that it was a stalking horse to say, 'Look, I'm prepared to put something out there, but let's see if there's any votes for this,' " says an aide to a Finance Committee member. "We basically said, 'We're pretty tired of getting the shit kicked out of us by the White House and having George

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Mitchell dance all over us.' And the answer was they couldn't get the votes for it."

Clinton isn't completely blind to the problems. Last week Moynihan and Bob Packwood, the ranking Republican on the Finance Committee, met with the president. The votes aren't there, they told him. As a result, he has begun to ease off slightly from his vow to veto any bill that didn't contain immediate universal coverage. "It doesn't have to be done tomorrow," Clinton said on a "Today" show appearance last Monday. "It ought to be phased in over a period of a few years." He added: "We should not walk away from this Congress without a commitment to cover everyone."

The meaning of Clinton's rhetorical shift was clear: he's willing to compromise on mandates, as long as it doesn't look like he's abandoning his promise. Clinton has hinted he might be willing to go along with Senator John Breaux's ubiquitous "hard trigger" idea, which would allow Clinton to support a bill without a mandate. If market reforms failed to cover a certain percentage of people by a certain date, a mandate would automatically be triggered. "I think we would definitely go for a hard trigger," says a White House aide.

Predictably, however, the idea quickly degenerated into just another point of contention. The hard trigger has spawned the "soft trigger," which would only require Congress to *consider* enacting a mandate if the targets aren't met. Mandate opponents generally oppose the hard trigger, while mandate supporters, Clinton among them, scoff at the soft trigger. "Essentially a soft trigger is crap," says a White House adviser, diplomatically. "It doesn't mean anything. It says, 'We don't have the courage to do it now.' That essentially is a classic congressional dodge."

Other compromises are in the works. In the House, a group of Energy Committee Republicans and Democrats has been meeting informally to eke out a no-mandate compromise that could muster enough votes to break Dingell's opposition. But the more likely place for compromise is in the Senate Finance Committee, where Republicans and Democrats are negotiating a plan that combines insurance reforms, business tax incentives and cost-containment measures with a Chafee-style, individual mandate bailout trigger. (Whew.)

But whatever compromise they may come up with, it still has to meet with the approval of the leadership or it will never reach the floor. And Majority Leaders George Mitchell in the Senate and Richard Gephardt in the House have made clear their insistence on mandates. If Clinton doesn't step in to break the impasse soon, there won't be time to put together any compromise before the summer recess. Moynihan has put the time limit at two weeks. "It's sort of a stare down at this point," says Todd Tuten, an aide to Bilirakis. "It's going to stay like this until the leadership looks at the cold hard reality that they won't be able to cram this bill down people's throats." •

CAMBRIDGE POSTCARD

CRIMSON AND CLOSURE

By James K. Glassman

The most famous member of the Harvard class of 1969, actor and rancher Tommy Lee Jones, didn't show up for the twenty-fifth reunion here in early June. He did, however, contribute to the 1,271-page book known as the Class Report: "We are raising our own replacement heifers from a flourishing herd of Brangus cows. I caught a ten-pound black bass on a flyrod in High Point, North Carolina, in 1992. My 2-year-old daughter is fluent in Spanish."

Jones and I were in the same freshman composition class in 1965, and he seems to have picked up precisely the correct style for midlife bio writing—modesty, the celebration of small events as metaphors for grand accomplishments (this guy did win an Academy Award, after all) and much praise for the kids.

The second most famous member of the class, Albert Gore Jr., the vice president of the United States, listed only his occupation and address in the Class Report, but he did show up for the reunion. He posed for the group picture on the steps of Widener Library, ate lunch with hundreds of classmates at Eliot House, listened intently at a forum titled "Computers to Cosmos," where someone explained that time travel was indeed possible, and sat on a politics-and-the-press panel that included another classmate, Elliott Abrams. Known even in college days as a right-winger (he supported Hubert Humphrey), Elliott wrote in the Class Report of his time as assistant secretary of state for Inter-American Affairs: "Despite being caught up in the Iran-contra persecutions, it was a fabulous experience."

So was Harvard in the late '60s a fabulous experience, which is probably why 755 alumni—52 percent of the class and an all-time record—came to Cambridge on a sunny, gorgeous week to try to relive it. You stay in the dorms, eat in the Freshman Union, wear cute caps and T-shirts and meet people you haven't seen in a quarter-century, picking up conversations roughly where they left off. The university puts on a big show for six days—evening at the Boston Pops, day in the country, endless receptions and symposia (mostly of the relevant variety: "Becoming a Stepfamily," "Coping with Contemporary Societal Problems," "Women and Minorities in the Workforce"). And the kids (750 of them) are minded for you: scavenger hunts for the Grape Group, make-your-own-

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sundaes for the Green Group, advice on getting admitted to Harvard for the older Orange Group.

What was on our minds, though, was Vietnam. Ours was the class that graduated two months after the college administration called in the Cambridge constabulary to rout a few hundred anti-war protesters from University Hall, a lunky gray building in Harvard Yard. The efficient work of the police that April night confirmed what many of us had suspected: that what we were doing was playpen stuff. It was intellectually engaging, exhilarating and libidinous. In short, it was what you did—what everyone did, in different ways—in college, where you're cocooned, but it wasn't the real thing.

In a contemporary account of University Hall in *The Crimson*, Jody Adams, a classmate who is now a judge in New York, described what happened when the police entered Harvard Yard:

"I turned and ran into the little room, where people were jumping out of an open window.... I looked down the 10- or 12-foot drop and saw a circle of cops waiting for me. I stared at them, unable to move for several seconds.... Then I made eye contact with one cop. 'Will you catch me if I jump?'

"'Get off the goddamned window.'

"'I cannot get off, there are too many people behind me.'

"'That's *your* problem, honey. Get the hell off the window.'"

No longer indulgent or attentive, the world, it turned out, didn't care if you broke your neck.

A few months before the reunion a detailed questionnaire was sent to the class. Forty-five percent responded, and the results eventually filled forty-three pages. By the numbers, the class of 1969 looks like a bunch of normal overachievers: 88 percent have post-graduate degrees; the median family income is $135,000, median net worth $500,000; 16 percent are in medicine, 18 percent in law; 69 percent work forty-five hours or more per week; and 47 percent of the women and 34 percent of the men have been divorced.

Other results: only 35 percent can name more than five current rock groups. Just 7 percent smoke cigarettes. Forty-three percent "believe in a Supreme Being (God)." Two percent are in a "committed relationship" with a partner of the same sex. Eighteen percent grew up in a family in which at least one parent was an alcoholic. Just 42 percent of the women and 53 percent of the men say their standard of living is higher than "that of your family of origin." And just 6 percent of the women and 12 percent of the men believe the lives of their grandchildren will be of "higher quality" than their own lives.

Pessimism and wealth abide comfortably with liberal politics. In the 1988 election 83 percent of the women and 66 percent of the men voted for Michael Dukakis (compared with 46 percent nationally). In the 1992 race 91 percent of the women and 75 percent of the men voted for Bill Clinton and Al Gore (versus 43 percent nationally). At the Gore panel during the reunion, the crowd that packed Sanders Theater gave a standing ovation—its most passionate response—to a short speech decrying long prison terms that was delivered by Congressman Robert Scott of Virginia, a black freshman Democrat.

But back to the Class Report, addictive reading:

- "The major event of my business career occurred in February 1990 when my firm, Drexel Burnham Lambert, collapsed...."
- "By a stroke of fate I encountered the greatest Indian dancer of this century, a woman named Balasaraswati. I began to study South Indian classical dramatic dance with her. Amazingly, I had found my metier."
- "Once you have children, it seems difficult to imagine what else you might have been doing before they were born."
- "My conscientious objector claim was denied on the grounds that I failed to complete and return the form within thirty days, and I quickly found myself a convicted felon.... My criminal career left me permanently disqualified for the sort of career most Harvard graduates would expect to follow."
- "Most of my adult life has involved a struggle to overcome this personal and cultural heritage of elitism, privilege and entitlement."
- "I am trim and fit and play tennis as well as ever. I still have and can wear the suit I brought with me to Harvard."

At a twenty-fifth reunion, two sets of questions float in the air: (1) "What have I done with my life so far (and how does it measure up)?" and (2) "What should I do with what's left?" In most of the passages in the Class Report, my classmates seem to be trying to convince themselves that the answer to No. 2 is the same as the answer to No. 1. After keeping their options open for years and years, they seem happier to have closed off nearly all of them. As Walker Percy writes of his hero in *The Last Gentleman*: "Thereafter he came to see that he was not destined to do everything, but only one or two things. Lucky is the man who does not secretly believe that every possibility is open to him."

Still, this is a class that properly thinks it's special—and, I was pleased to learn, in a quiet, relatively unobnoxious way. It seemed we had all been carrying around the same talisman, the same touchstone, for twenty-five years. It's a small, round, shiny rock—an opal, say. You can feel it in your pocket and haul it out at twenty-fifth reunions and other events when someone asks, "Still got yours?"

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FOR *REAL* PEACE, KEEP U.S. TROOPS OFF THE GOLAN

Twelve coffins bearing killed Marines are carried to a plane at Beirut Airport to be flown back to U.S. for burial. (UPI / Bettmann)

In 1983, 241 American peacekeeping troops were killed in Beirut when Syrian-backed terrorists bombed their barracks. Their sacrifice did not lead to peace. It resulted, instead, in a humbling U.S. withdrawal from Lebanon and that country's conquest by Syria.

In 1994, President Clinton thinks that it would be a good idea to give U.S. troops another peacekeeping assignment in territory coveted by Syria -- the strategic Golan Heights. He thinks such a deployment and Israel's surrender of the Golan to the Syrian despot Hafez Assad, involving the forceful removal of Jewish residents from that region, would guarantee "peace ."

Even a cursory analysis shows that such a deployment is likely to be as disastrous as in Lebanon:

Americans are likely to get killed by groups such as Hezbollah, Hamas and Islamic Jihad on the Golan Heights. There, as in Somalia, Beirut and elsewhere, U.S. troops, rather than serving as effective peacekeepers, become targets for terrorism.

Even if U.S. troops remain on the Golan, they will not be able to prevent a renewed threat to Israel once the barrier to armored attack represented by those Heights is again in Syrian hands.

A key element of the U.S.-Israel relationship has been Israel's ability and commitment to defend itself. Involving American troops, particularly in a volatile situation, may cause irreparable harm to the alliance.

Unfortunately, the Clinton administration seems prepared to commit American forces to the Golan without an analysis of the dismal historical experience with U.S. peacekeeping in the region; the likely costs and adverse consequences of a U.S. force on the Golan; what might be the U.S. "exit strategy;" or whether deployment will destabilize the region.

The Congress and the American people are entitled to a rigorous analysis by the Joint Chiefs of Staff and an opportunity to debate whether U.S. troops should be committed to a Golan deployment. *Please join us by urging your Senators and Representatives to support legislation to this effect.*

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The Messiah dies—and lives.

KING OF KINGS COUNTY

By Allan Nadler

"I, Menachem Mendel Schneerson of Kings County, New York," began the one-and-a-half-page last will and testament of the Lubavitcher rebbe, a man who had been declared by his followers to be the immortal savior of humankind. It is not merely the fact of Rabbi Schneerson's death on June 12 that creates a deep religious crisis for the Hasidim who had anointed him the Messiah; it is also the common way in which he left this world. Unlike the earlier false messiahs of Jewish history, who tended to die—or be martyred—in rather spectacular fashion, Schneerson expired at the age of 92, after a heart attack and two strokes, and after months in intensive care, hooked up to a respirator and surrounded by his medical team at Beth Israel Hospital in Manhattan. Not only did he not die before his time, he lived posthumously.

For more than a decade before his first stroke in 1992, Schneerson had installed the idea of redemption at the center of his religious teachings. In recent years he had been encouraging the Lubavitcher Hasidim publicly to proclaim the imminence of the apocalypse. Moreover, he insisted that their messianic propaganda not be limited to Jews, as any reader of *The New York Times* can attest. The Lubavitchers called on the world to "prepare for the coming of *Moshiach* [Messiah]" with glitzy full-page advertisements, posters prominently featuring the rebbe's countenance in almost every subway car in New York, highway billboards, bumper stickers and cable television programs.

Schneerson never actually claimed that he was the Messiah, but he never denied it. And after he was silenced by his stroke, the messianic claims of the Lubavitchers were not only undiminished, they lost all restraint. Indeed, it was the loss of the rebbe's power to speak that conferred upon his most intoxicated disciples an unlimited license to crown him the long-awaited King of the Jews. Dozens of books and pamphlets, in Hebrew and in English, were published, "proving beyond doubt" that Schneerson was the Messiah. While most of these publications were addressed to a popular audience, there were also attempts at scholarly rabbinic tracts. Among them was an unwitting parody of the respected medieval genre of rabbinic responsa, titled, in literally evangelical fashion, *Good Tidings: Questions and Answers Regarding the Redemption and Messiah*, whose cover featured a kitschy drawing of Schneerson, clad in a prayer shawl and dancing on the mountaintops of Jerusalem.

Last year a store called the International Moshiach Center opened in Crown Heights, featuring a catalog of several hundred items, from pamphlets, posters, videos and bumper stickers to baseball caps, sweatshirts, keychains and fridge magnets, all prominently displaying the image of the rebbe. This was the place, as the storefront said, "for all your *Moshiach* needs." And at its annual convention, convened less than a month before Schneerson's death, the Lubavitch Women's Organization called upon its members to cast their missionary net wide and spread the tidings of the imminent revelation of the Messiah. Immediately following the convention these women took to the streets and subways of New York distributing wallet-sized "*Moshiach* cards" (see page 17). It was an eschatological version of frequent-flyer programs: "Your *Moshiach* card reminds you that every good deed, every act of kindness you do, brings the world a step closer to its ultimate fulfillment: the age of *Moshiach*...." (As it turned out, the expiration date on the card was 6/94.)

This delirium notwithstanding, it occurred to me on the day the rebbe died that, with the common manner of his passing and the prosaic substance of his will, he might have sent a message to his deluded flock: that he was esoterically denying he was the great King they had anointed him to be, and reminding them that he was only Menachem Mendel of Kings County. In the Jewish tradition, the wills of spiritual leaders have often been powerful texts, with great lessons; but this will, in which Schneerson requested a "suitable monument" over his grave and left his "books, manuscripts, objets d'art and all other property intended for personal or household use" to the Council of Lubavitcher Hasidim, could not have been more banal. (The total value of his estate, incidentally, was estimated at less than $50,000.)

Still, many of his faithful refused to be deterred by so small a matter as Schneerson's mortality. When I arrived in Crown Heights that Sunday morning to join some 30,000 Jews who had gathered for the rebbe's funeral, I was amazed to see young Lubavitchers

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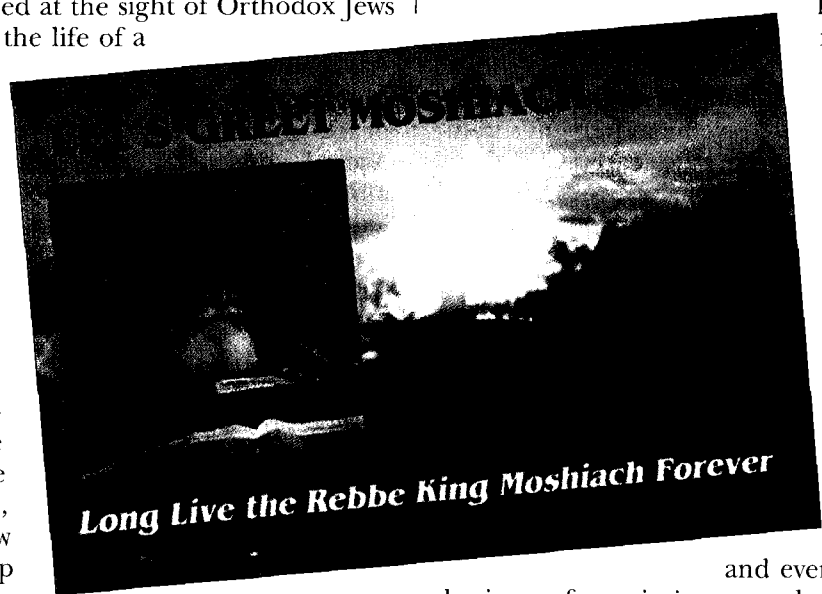
singing, dancing and drinking vodka directly across the street from 770 Eastern Parkway, the Lubavitch World Headquarters, where the body of their beloved rebbe was lying, in proper Hasidic fashion, in shrouds on a wooden floor. Even more stunning was a small group of women encouraging the men with tambourines. I say stunning, because Jewish law not only forbids song at a funeral; it requires mourners, that is, the children of the deceased, not to listen to any music for a full year. And in Hasidic tradition, the rebbe, a father figure for all of his Hasidim, is mourned like a parent; which is to say, all his Hasidim have the virtual status of mourners, and must act in accordance with that grim role. Far more perplexing than the singing itself, however, was the chant to which the Hasidim were performing their dance: "Long *live* our master, teacher and rebbe, King Messiah, forever and ever."

I stood dumbfounded at the sight of Orthodox Jews dancing and toasting the life of a deceased rabbi at his own funeral, when I overheard a group of Lubavitcher women next to me debating the issue. "They are doing the right thing," beamed a girl in her early 20s to the older women who seemed disturbed by the spectacle. "This is the beginning of the *Geulah* [redemption], and any minute now the rebbe will rise up and take us all to Israel."



An Israeli Hasid nearby had a brand new VHS camcorder in his hand, which is also not exactly standard fare at Orthodox funerals. When I politely suggested to him that a prayer book might have been a more appropriate thing to be clutching at such a moment, he seemed genuinely surprised. "Sad? About what? The rebbe will soon get up and walk out the front door of '770,' and I want to record this historic, happy occasion." Then he challenged me: "What do you expect will happen this afternoon?" "Absolutely nothing," I replied. I won the little disputation in the street. What did happen later that Sunday afternoon was that the rebbe's body was removed from Lubavitch World Headquarters in a plain pine box, carried over the heads of the throngs of mourners into a waiting limo and buried in a cemetery in Queens. As the limo slowly made its way through the throng, some Hasidim wept, while others cried out: "Rebbe, wake up! Rebbe, come back!" He didn't.

It was evident at the funeral, barely twelve hours after Schneerson's death, that the Lubavitch community was already deeply divided about how to interpret its loss. The symbol of that division was to be found in the lapels of the long black coats worn by Lubavitcher men. Jewish tradition requires that mourners rend their garments as a sign of their grief; and among Hasidic Jews all the men rip the lapels off their coats when their rebbe dies. But on this day in Crown Heights not all of the Hasidim were ready to partake in a ritual that would mark their acceptance of the end that was upon them. A significant number of the dignified older Hasidim had indeed torn their lapels, but most of the younger ones—and certainly those lost in the hora in the street—had not. Two days after the funeral Schneerson's will was read aloud before several thousand Hasidim in Crown Heights. The will's primary significance was that it named Rabbi Yehudah Krinsky—the most pragmatic and conservative of the rebbe's senior secretaries, and a man who has long opposed the rising tide of messianism in Lubavitch—as the rebbe's sole executor. Now that Krinsky's hunch about the ontological status of the rebbe seems to have been confirmed and his power established by the will, a majority of Lubavitchers will, after a long and deep period of mourning, probably come to terms with their apocalyptic discouragement and eventually get on with the business of appointing a new leader.

But there is every indication that a significant number of Lubavitchers are not ready to make such a theological and emotional adjustment and accept the rebbe's death. They will certainly reject a successor. Two days after the funeral, in a radio call-in program on New York's WNYC in which I participated, Rabbi Shmuel Butman, the leader of the Lubavitch Youth Organization and chairman of the International Campaign to Bring Moshiach, continued to insist that "nothing has changed," and that his death notwithstanding, "the rebbe is definitely *Moshiach*, because he has told us so, clearly and unequivocally as a prophecy, many, many times." The Israeli daily *Yediot Aharonot* quoted the leader of the Lubavitch Youth Organization in the southern Israeli town of Beit Dagan as saying: "Today the redemption begins. Our rebbe is now suffering, and through his suffering he is atoning for the sins of the entire people. This is how he is preparing us for redemption. He will be resurrected. You will see that he will stand again on his feet. The messianic era is approaching. The miracle will materialize. We must open a bottle of vodka and celebrate." (Absolut *Moshiach.*) And the Sunday after the rebbe's funeral, which

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marked the end of the traditional week-long *shiva*, or seven-day period of intense mourning, was celebrated as "*Moshiach* Day" in Crown Heights. At an afternoon teach-in attended by hundreds of Hasidim, a panel of Lubavitch rabbis reassured the audience that the rebbe would be revived from the dead and realize his role as the world's savior.

Such an interpretation of the ongoing role of the dead rebbe must be described as what it is, which is Christological. Again, the dilemma now facing the true believers in Schneerson's messianic stature is not unprecedented in Jewish history. This is not the first time a Messiah has died; for Jews, in fact, there has never been a Messiah who has *not* died. The spectacular rise of Christianity long after the crucifixion testifies to the ability of messianic religions to be animated by the death, and the reports of the resurrection, of their savior. The youthful faction in Lubavitch that continues to proclaim him as the Messiah who will be resurrected (an idea with absolutely no basis in Jewish texts) will likely be ostracized by the movement's traditional mainstream, and, like the early Christians, develop into a cult of its own. A majority of Lubavitchers, led for the moment by Krinsky, will probably return to the traditional Hasidic path, in which the messianic idea was deliberately maintained as a distant hope rather than an urgent priority. (See "Last Exit to Brooklyn" by Allan Nadler, TNR, May 4, 1992.)

There is another option, also with a usable past in Jewish history, for those poor souls who remain convinced that Schneerson was the Messiah but are unwilling to be estranged from the Jewish community. At the end of the seventeenth century and into the centuries that followed, thousands of pious Jews, many distinguished rabbis among them, continued to believe in Shabbetai Zevi, the false messiah from Izmir, long after his conversion to Islam in 1666 and his subsequent death. Hundreds of years later believers in Shabbetai Zevi throughout the Ottoman Empire and Eastern Europe continued to redefine the nature of their messianic faith. While many disappointed Sabbatians rejected traditional Jewish practice and broke with the Jewish world, some of them went underground, developing an esoteric apocalyptic liturgy in which they secretly continued to pray to their Messiah, while maintaining the outward appearance of fully observant Jews. Some of these crypto-Sabbatians even held prominent rabbinical posts, notably the chief rabbi of Hamburg in the eighteenth century, Jonathan Eybeschutz, who is revered to this day by Orthodox Jews as a legal authority. It is entirely possible that a significant number of Lubavitchers will now follow a similar path; and a secretive messianism will have the additional advantage of not alienating the financial support from the rest of world Jewry, upon which Lubavitch has always depended.

The fantastic adoration of the rebbe that was so evident at his funeral explains not only the crowds who were present, but also the many Jewish and rabbinic leaders who were absent. A handful of other Hasidic rabbis attended, but not a single head of this country's many yeshivas or rabbinical schools, who normally make a point to attend such events, came to pay his last respects to the rebbe. The Lubavitch-controlled Yiddish weekly, *Der Algemeiner Journal*, reported that the absence of these distinguished rabbinical scholars was deliberate and malicious, as they did not want to have any part in what they feared would be "a manifestation of the true influence and power of Lubavitch."

The presence at the funeral of Benjamin Netanyahu, the leader of Israel's Likud party, and Rudolph Giuliani and Alphonse D'Amato indicated that the distinguished rabbis who stayed away were not entirely paranoid. The Lubavitcher rebbe was not merely an impressive religious leader who managed to spread the Lubavitch doctrine to hundreds of Jewish communities throughout the world; he also displayed incredible talent in advancing a deeply conservative political agenda, which included fierce opposition to the Middle East peace process, beginning with the Camp David Accords. In 1990 Schneerson single-handedly undermined the formation of a Labor coalition government led by Shimon Peres by prohibiting two Orthodox members of the Knesset from joining. The final payback came Monday morning, when Netanyahu—not exactly a pious Jew—appeared on the Fox channel in New York to praise Schneerson's "moral leadership" and "religious example."

Then again, the attendance of a few conservative politicians from America and Israel was not quite the manifestation of political power and religious influence that the Lubavitchers desired. In their ingenious and aggressive use of the mass media, they had succeeded in creating the widespread impression that Lubavitch was the largest movement of contemporary Orthodox Judaism, but that impression was always a mistaken one. They constantly boasted that Schneerson was the "leader of world Jewry" and the "Moses of our generation." So it was significant, and a little uncanny, that just five days before he died, Schneerson's most bitter Hasidic rival, Moshe Teitelbaum, the Brooklyn-based, anti-Zionist Satmar rebbe, was greeted upon his arrival in Jerusalem by more than 100,000 admirers, over three times the number that attended Schneerson's funeral. *Der Yid*, the Satmars' weekly Yiddish newspaper, published an unsurprisingly chilly obituary of Schneerson that included an elaborate and sophisticated critique of Lubavitch messianism. The obituary concluded with a withering pun on the customary Jewish benediction for mourners. Instead of offering the prayer, "May the Divine Presence comfort you," *Der Yid*'s last words to Schneerson's followers were, "May the Divine Presence pity you." May the Divine Presence pity them all.

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BREYER RESTRAINT

By Jeffrey Rosen

When Stephen Breyer declared at the White House that the role of a justice is to "make life better for ordinary citizens," perhaps it wasn't too much of a stretch to think of Coriolanus's efforts to pay obeisance to the common man. For populist rhetoric does not come easily to a judge who has e-mail debates with his son about *Don Quixote*; who, at the age of 19, was arrested with his Norwegian girlfriend in a San Francisco opera bar for ordering red wine as a minor; and who, during a fireside game of charades at the family Christmas party last year, acted out *The Epic of Gilgamesh.* (His daughters, according to a guest, rolled their eyes indulgently, as if to say: "Oh, Daddy, not *The Epic of Gilgamesh* again!")

Even Breyer's self-possession during the brutal selection process that led to his Supreme Court appointment had an offbeat charm. When he returned from Washington after his unsuccessful interview with President Clinton for Byron White's seat last year, he exclaimed to his clerks, "Now we can sit around and watch French movies." As his candidacy waxed and waned the second time around, and friendly moles in the White House gave him up-to-the-minute reports, Breyer would joke: "It reminds me of the Phoenix, rising from the ashes." And he became so excited, while reading Proust recently, by a reference to Louis XIV's courtier, Madame de Sévigné, that he rushed to the library to track her letters down.

In light of Breyer's appealing, slightly eccentric refinement, perhaps the populist packaging is unavoidable. After all, Ruth Bader Ginsburg had her mother, and Clarence Thomas his grandfather, and David Souter his youthful ordeal as a Harvard abortion counselor, to warm the hearts of the sentimental Senate. Stripped of its populist veneer, however, Breyer's statement in the Rose Garden—"the Constitution and the law must ... work as a practical reality; and I will certainly try to make law work for people"—is entirely consistent with his unsentimental vision of law over the past three decades. It reflects a legal tradition, neo-pragmatism, that has absorbed Breyer ever since his student days at Harvard Law School, and has guided him as a government lawyer, a scholar and a judge.

What does Breyer's pragmatism say about the kind of justice he might become? After reading the voluminous speeches and writings and opinions that he supplied to the Senate, it's hard not to be impressed with the range of his interests. He has a rare ability to dive into unfamiliar, highly technical subjects, to grasp their analytical essence and then to synthesize and rationalize them in a relatively accessible way. (His confession in January that "I set for myself a goal of trying to write my opinions so that a high school student" would understand them, however, reflects an extremely rarefied view of high school.) In his areas of scholarly expertise—administrative law and regulation—Breyer's suspicion of overarching theories, and his habit of testing his doctrinal conclusions against their practical implications, should be a powerful antidote to the anti-pragmatic, anti-empirical formalism of Antonin Scalia.

Constitutional law, however, is not a subject Breyer has written very seriously about. And his isolated encounters with constitutional issues—such as his breezy invocation of the Ninth Amendment in *Griswold* v. *Connecticut*, the landmark right to privacy opinion he helped to write as a law clerk for Arthur Goldberg—are not always entirely convincing. Appearing with Harvard colleague Laurence Tribe at the Kennedy School of Government in 1991, Breyer joked about his youthful handiwork:

> I like to point to the Ninth Amendment, because I was the law clerk for Justice Goldberg when he wrote an opinion called *Griswold* v. *Connecticut*.... Justice Black in dissent had said there is no right of privacy, no right of marital privacy, because it isn't listed *explicitly*. And Justice Goldberg's concurrence said, "But remember the Ninth Amendment." It says don't *take* the enumeration of some to mean that there aren't others. Don't *do* that.... It's an instruction to judges. Do you see? And well then, what rights *are* these other rights? That's a good question; Professor Tribe will explain it.

The central question for the Breyer hearings, then, is whether Breyer is so averse to constitutional theory that he has no broader vision of the Constitution. Would he, in constitutional cases, always reach pragmatic, politically sensible results, or does he have a less ad hoc conception of text, history and structure

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that is attentive to principled limitations on judicial power? Although Breyer's instincts are moderate rather than activist, his pragmatism raises questions about judicial legislation that might be useful to explore.

Breyer's interest in pragmatism dates back to his undergraduate days at Stanford, where he studied philosophy with Herbert Morris. As a student at Harvard Law School in 1964 Breyer wrote his third-year paper on the pragmatism of Charles Pierce, William James and Willard Quine. Invoking Quine's metaphor of an epistemological "web of belief," Breyer argued that judges should test each strand of their legal conclusions by examining the practical effects on various legal norms, such as statutes, regulations and precedents, and on political beliefs and sociological customs. When Breyer returned to the web metaphor in the Rose Garden, he practically restated his law school thesis: "There's a whole mass of [legal] material that somehow, sometimes, in some way, is supposed to fit together. What it's supposed to do, seen as a whole, is allow all people—all people—to live together in a society where they have so many different views ... so that they can work productively together."

Legal pragmatists, of course, are an eclectic group: they include radical skeptics like Stanley Fish, feminists like Margaret Jane Radin and law and economics apostles like Richard Posner. Breyer's jurisprudence demonstrates at least three conflicting strains of pragmatism. Sometimes he's a common law constitutionalist, trying to rationalize and clarify unruly doctrines; sometimes he's empirical and consequence-driven, balancing the costs and benefits of various regulations; and sometimes he's just eclectic, mixing text, history, politics and precedent in sensible ways. But all three varieties of pragmatism are vulnerable to a common criticism—they are potentially unprincipled, ad hoc and, when imposed by judges rather than legislators, ultimately undemocratic.

Perhaps the most useful description of Breyer's mature strain of pragmatism is something like New Deal managerialism. In a 1993 interview on public television, Breyer declared, "Let's say the New Deal, even in the 1990s, shouldn't be totally dead.... I'd like to say that New Democrats are pragmatic." He then defined pragmatism as having "a certain amount of confidence" in the ability of the administrative state to allocate power in a rational way, but having "no fixed view in advance" that there is a single governmental or market solution to problems like health care and airline deregulation.

Like FDR's pragmatic Brain Trusters, though, Breyer has been criticized as utopian and elitist. He has a wellspring of faith in the ability of expertly trained, intelligent managers (like himself) to distribute public resources rationally. As Cass Sunstein of the University of Chicago points out, the real scholarly contribution of Breyer's 1993 Holmes lectures at Harvard, *Breaking the Vicious Circle*, is not his subtle and clarifying analysis of the problem of setting regulatory priorities. (This occurs when Congress spends billions of dollars to eliminate relatively trivial health risks, such as carcinogens in the workplace, and very little money on real health prevention, such as mammograms or prenatal care.) Instead, Breyer's most creative suggestion is his call for the establishment of a corps of elite civil servants, modeled on the French Conseil d'Etat, that would be given broad discretion to make "commonsense decisions" about where regulatory dollars will do the most good.

The Supreme Court, however, is not the Office of Management and Budget. Questions such as abortion and religion and affirmative action are not susceptible to "commonsense" solutions, because no empirical or social consensus underlies them. And this, perhaps, is what Breyer skated over in the *Griswold* case. The formula he drafted for Goldberg represents constitutional pragmatism at its most immodest, a blank check for unelected judges to derive rights from the "collective conscience of our people," without an intelligible methodology to guide the search. Breyer, however, does not appear to have had second thoughts. In a tribute to Goldberg, published in the *Journal of Supreme Court History* in 1990, Breyer invoked the *Griswold* concurrence as an example of pragmatic jurisprudence at its best: "We learned a highly practical view of the Constitution. [Justice Goldberg] saw the Constitution as protecting basic liberties, in a practical way, a way that permitted achieving the ideal without unduly interfering with the workings of government.... How could a document survive the ages, he wondered, if it were limited to the protection of specifically enumerated rights? Suppose, he asked us, that the government forced husbands and wives to live apart? Would the Constitution offer the family no protection?"

But this is an intuition, not an argument. What makes Goldberg's concurrence in *Griswold* unconvincing is not his rejection of Hugo Black's view that the Bill of Rights protects only rights that are specifically listed. It is Goldberg's free-floating answer to the question: How can judges determine *which* additional rights are protected? ("That's a good question; Professor Tribe will explain it.") Goldberg confidently asserted that "totalitarian limitation of family size ... is at complete variance with our constitutional concepts," but he never provided any historical, textual or structural analysis to support his conclusion.

Breyer's co-clerk during the year with Goldberg, Stephen Goldstein, says that he and Breyer were unconvinced by William Douglas's majority opinion in *Griswold*, which derived the right of privacy from "penumbras, formed by emanations" from the Bill of Rights. "Frankly there was general dissatisfaction with the Douglas draft, to put it mildly," Goldstein recalled. "It provoked not only giggles but guffaws. We were used to strange things coming out of that office, but that was the strangest. Steve and I both thought, and Goldberg

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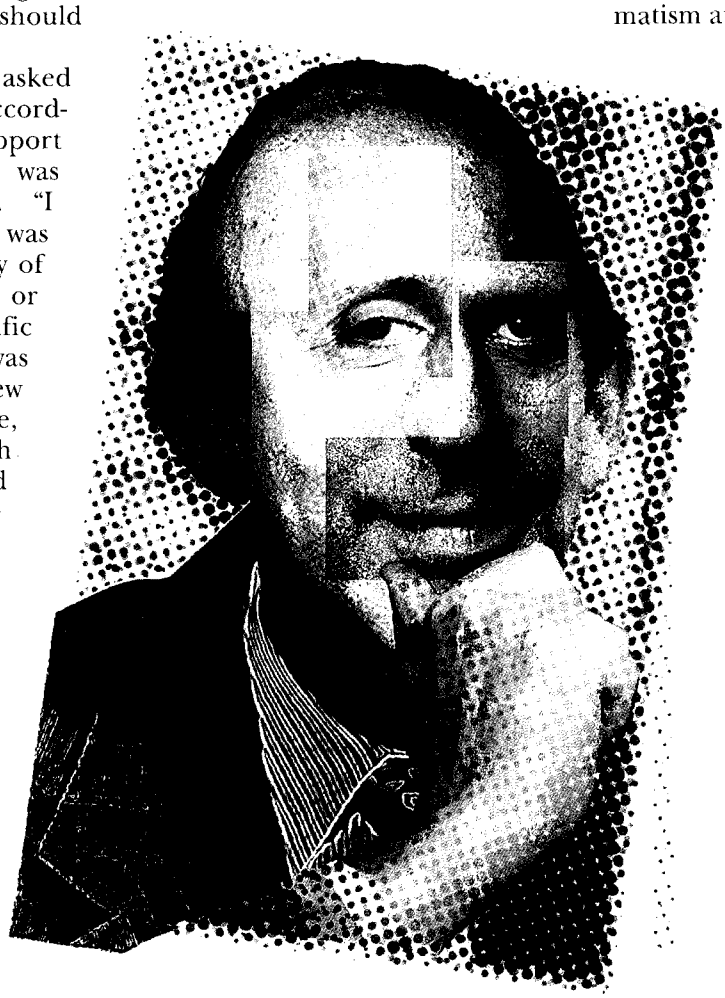
agreed, that we couldn't join it.... The obvious thing to do was to write a straight Fourteenth Amendment, privacy, substantive due process opinion. That's essentially what we did."

"Steve did the research about the Ninth Amendment," said Goldstein. "I don't think he did all that much research because there isn't that much research to do.... There weren't too many changes after Breyer did the first draft.... He came up with what he came up with, and Goldberg ran with it. It was clearly Goldberg's decision, but neither of us disagreed with it. We thought it was a good idea and it should be expounded."

Goldberg never asked for any evidence, according to Goldstein, to support his view that privacy was a fundamental right. "I think he felt that it was there. I don't think any of us did any historical or comparative or scientific research.... Goldberg was quite clear that he knew what rights there were, he could identify which rights were entrenched in the conscience of the American people.... Steve and I were more troubled by how one identifies those things, but once you accept that route of substantive due process, it was as good a formula as we could come up with."



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Happily, nothing else in Breyer's record suggests a tendency to pull rights out of thin air. Ever since his law school days, as an apostle of Henry Hart and Albert Sachs, he's been sensitive to questions about the institutional competence of judges; and his academic models, such as Paul Freund and Louis Jaffee of Harvard, have been pragmatic incrementalists rather than crusading activists. In speeches and opinions, too, Breyer has been skeptical about the proliferation of rights. In a 1989 tribute to his Harvard colleague Paul Bator, Breyer praised the "great legal tradition ... that interprets the Constitution in a manner that is fundamentally pragmatic, undogmatic, that sees law, including constitutional law, as an untidy body of understandings among groups and institutions, inherited from the past, open to change mostly at the edges."

In a 1983 symposium on the litigation explosion, Breyer wrote: "One can at least ask whether direct governmental expenditure might do more for, say, the handicapped, or for, say, worker safety, than enforceable legal rights, for example, against 'discrimination,' which may be given in principle, but perhaps too often denied in practice."

Breyer's restraint is obvious in many of his decisions on the U.S. Court of Appeals in Boston. Abortion rights activists are worried about his dissent in the 1989 *Bellotti* case, where he voted to uphold a parental consent law. But in fact, the dissent shows Breyer's pragmatism at its best. In 1979, and again in 1983, the Supreme Court had upheld parental consent laws. Breyer's colleagues, however, voted to remand the case for further fact-finding. In a convincing dissent, Breyer objected that the remand was impractical: given the Supreme Court's unequivocal approval of parental consent laws, there was no empirical data, no conceivable set of facts, that could change the result.

The only constitutional provision that seems to have aroused Breyer's passions is the First Amendment. As a law clerk, according to Goldstein, Breyer became outraged by the injustice of an obscenity prosecution against *Eros*, an avant-garde magazine of nude photographs, and he urged Justice Goldberg to vote to hear the case. Goldberg, however, wasn't terribly moved, so Breyer hit on an ingenious way of provoking his interest. One of the essays in the glossy, hard-cover magazine included an intimate photo essay of interracial love called "Black and White in Color." Breyer realized that Goldberg would feel more strongly about racial discrimination than obscenity; and so he ordered a set of back issues from the Library of Congress, all of them stamped OBSCENE: NOT FOR CIRCULATION, to establish that only the interracial issue had been criminally prosecuted. Goldberg, suitably indignant, voted to hear the landmark *Ginzburg* case, which came out the wrong way in 1966.

In the past few years Breyer has begun to speak more frequently about First Amendment issues. His instincts

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Left to right: Sunil Velagapudi, Robin Watkins, Kristin Bardwell.

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seem close to a civil libertarian's dream; but he tends to justify vigorous free speech protection on pragmatic, rather than principled, grounds. During an address in April to the American Council of Trial Lawyers, when asked whether Khallid Abdul Muhammad, the Nation of Islam spokesman, should be censored, he replied: "I think for us there's more protection in the principle of free speech, rather than in laws restricting speech." (A videotape of the speech was sent to President Clinton to humanize Breyer; it shows that Breyer's jokes, and his infectious giggle, soon had the entire audience giggling as well.) In his handwritten notes to a 1993 address on hate speech before the Anti-Defamation League, Breyer distinguished "add-on punishment (O.K.) from additional speech-related prohibitions (dangerous)." And at a 1992 forum called "Multiculturalism and Political Correctness," he said that a tenured professor who denied that the Holocaust took place should be protected because, "ultimately, we have greater protection over the course of history in the principle. That's tough. But if you come to that conclusion empirically: that our protection is greater against that vicious nut by upholding the principle than by stopping the course, you start with that and work outward."

Although Breyer's First Amendment votes seem secure, his reasoning raises interesting questions. What if he were to conclude, after reviewing empirical evidence, that protecting hate speech made society *worse* off? Are there no constitutional principles that he thinks should transcend pragmatic balancing tests? In the *New Life Baptist* case in 1989, Breyer concluded, after an unusually searching empirical analysis, that a Massachusetts school board could force a Baptist academy, despite its religious objections, to comply with state certification requirements. Although the school proposed a less intrusive procedure, Breyer took it upon himself to balance the educational value of the various alternatives against their administrative reasonableness and the sincerity of the Baptists' religious beliefs. Though he was bound, to some degree, by confused Supreme Court precedents, the case suggests some of the hazards of constitutional pragmatism. It would be reassuring if Breyer could point to at least a few cases where he enforced a constitutional right *in spite of* its practical effects, rather than because of them.

It would be unfair, however, to overemphasize Breyer's relative inexperience with the Constitution. The legal issues that he cares most about—economic regulation, the environment, science and administration—will be among the most important in the next century. Breyer seems especially well-prepared, in areas like these, to challenge the formalist excesses of Antonin Scalia. Though Breyer and Scalia both taught administrative law before being appointed to the bench (Breyer was the more influential scholar), their approaches could not be less similar. Scalia claims to favor inflexible rules—judges should always defer to administrative agencies, for example—while Breyer prefers a more contextual and practical understanding of the administrative state. In a 1985 law journal article, he criticized the "anomaly" of the current rules of administrative law: courts must defer to the agencies' legal judgments, but are permitted to second-guess their policy judgments. "Is this not the exact opposite of a rational system?" asked Breyer.

A 1984 debate at the Federal Trade Commission between Breyer and Scalia gives a taste of the battles to come. Scalia complained that the political compromises of the Reagan administration were making his job as a judge on the D.C. Circuit more complicated: "I am having an awful lot of trouble deciding cases because deregulators like [Budget Director] Jim Miller here often come away from Congress with half a loaf rather than none. I wish, when you set about to deregulate, you would deregulate totally and not go about it halfway. I know the political process doesn't work that way, but it's ... very difficult for judges to interpret and apply the vague or ambiguous provision of a statute that is generally acknowledged to be a compromise."

Breyer's response was equally characteristic: "I have had enough practical experience to be suspicious of any overarching theory," he said, referring to his work as an architect of airline deregulation. Judges should interpret a statute, Breyer said, "in light of what its real purpose must have been." To the degree that Scalia's arid formalism tends to aggrandize judges, and to reduce the power of Congress and the agencies to make subtle political judgments, Breyer should help correct the distortion.

As for Breyer's substantive views about regulation, they are similarly—this is his adjective again—"pragmatic." In antitrust cases, where he has been criticized by Senator Howard Metzenbaum for favoring big corporations over "little people," he has surely gotten a bum rap. A case Metzenbaum has singled out for criticism, *Kartell* v. *Blue Shield*, is one of the cases of which Breyer, according to clerks, is most proud. The decision shows that favoring a large insurance company defendant over an individual doctor can lead, counterintuitively, to lower consumer prices in general. (Blue Shield paid doctors in Massachusetts only if they promised not to impose additional charges on patients; Breyer held that this wasn't an unreasonable restraint of trade.) Breyer sees cases like this as an example of "making law work for people," and they show that Breyer's Rose Garden statements, although sincere, have nothing to do with Clintonian sentimentalism.

But Breyer is not an economic sectarian. Outside the technical fields of antitrust and regulation, he calls himself "skeptical" about the value of economic analysis. Last March, in his *New York Times* review of Judge Richard Posner's book on the AIDS crisis, Breyer showed that he is more pragmatic about law and economics than Posner, the high priest of pragmatism. On morally controversial policy issues, such as AIDS, Breyer

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wrote, "economics alone cannot prescribe how much a society should spend.... Ultimately, if we prefer John Donne to Adam Smith, economists cannot prove us wrong."

But here is the central irony of Breyer's career. At the one moment when he was explicitly authorized to act in a legislative capacity, and to make political and moral choices on his own, he demurred. In 1984 Congress authorized the U.S. Sentencing Commission (composed of seven judges and criminologists, including Breyer) to sift through the accumulated social science data and to decide how severely all federal crimes should be punished. Faced with apparently irreconcilable opinions—some commissioners wanted to emphasize retribution, for example, and others deterrence—Breyer proposed a pragmatic compromise. Instead of making controversial policy choices, the commission would merely collect statistics about how severely each crime had been punished in the past, and produce a numerical grid of *average* sentences that all federal judges would have to apply. The result was politically ingenious—it avoided an internecine war on the commission. But it has been widely criticized by judges and legal scholars as mechanistic and overly severe, especially since the commission failed to include, in its pool of averages, sentences that had resulted in probation rather than jail time.

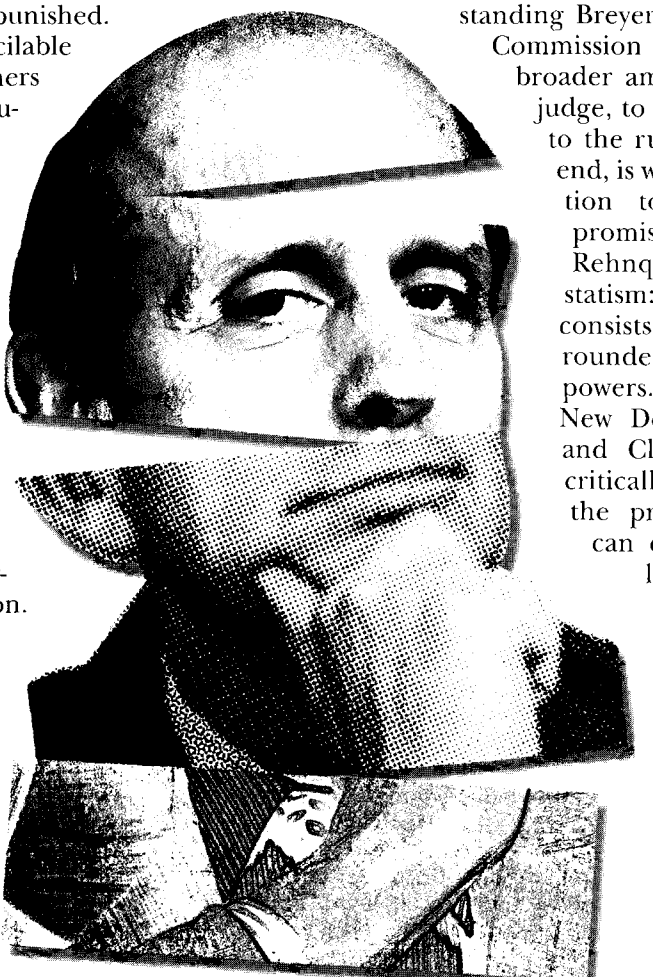

ILLUSTRATION BY JIM HOLLOWAY FOR THE NEW REPUBLIC

"I have to laugh when I hear people say what we need on the Court is a politician," says Paul Robinson, a former member of the Sentencing Commission who filed a dissent from the guidelines. "When I look at Breyer, that's what I see. He came up with the idea of numerical averages, and what he was thinking about was the politics of it. Lots of people were against the sentencing guidelines to start with, and Stephen calculated that the best defense was to say: 'Don't blame us; this is what judges as a group have been doing for five years. We're just codifying the status quo.' It was a brilliant response to the political situation."

Defending the guidelines in a 1989 symposium, Breyer was cheerfully pragmatic: "Why didn't the commission sit down and really go and rationalize this thing and not just take history? The short answer to that is: we couldn't. We couldn't because there are such good arguments all over the place pointing in opposite directions.... Try listing all the crimes that there are in rank order of punishable merit. Try it. Sit down as a parlor game and do it. Then collect results from your friends and see if they all match. I will tell you they won't." Breyer also points to his success in fending off the more draconian proposals of the Republican commissioners, such as their effort to include capital punishment, which would have made the federal death penalty mandatory rather than optional.

The most charitable way of understanding Breyer's work on the Sentencing Commission is to view it as part of his broader ambition, as a scholar and a judge, to subject the regulatory state to the rule of law. And this, in the end, is what makes Breyer's nomination to the Court so full of promise. The legacy of William Rehnquist has been a legacy of statism: his constitutional vision consists of islands of rights surrounded by a sea of government powers. Instead of resisting the New Deal, Rehnquist and Scalia and Clarence Thomas have uncritically accepted it, holding that the president and his agencies can do whatever they like, unless they bump up against narrowly defined, textually enumerated liberties. This is precisely the vision that Breyer rejected in the *Griswold* contraceptive case, although his youthful alternative was not entirely satisfying.

Perhaps, in the rubble of liberal and conservative constitutional visions, a neo-pragmatic aversion to theory is the only rational theory to embrace. But "the great weakness of Pragmatism," as T.S. Eliot wrote, "is that it ends by being of no use to anybody." Breyer has the potential to become the liberal leader of the Court; but he will not fulfill his potential by splitting every difference, and taking each case as it comes. The challenge for him will be to develop creative ways of subjecting the regulatory state to constitutional restraints, while showing more respect for democratic self-government than other neo-pragmatists have shown. Breyer has struggled with this question ever since he was a student: his law school thesis identified the New Deal as a "paradigm shift." And he seems well-prepared, as a justice, to point the Court toward paradigm shifts of his own. •

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BOOKS & The Arts

Stanley Kauffmann on Films

Horrors

Here is a list of angers, several kinds, all caused by **Wolf** (Columbia).

(1) Sheer visceral outrage that a film as stupid as *Wolf* should be inflicted on the public. It's all the more exacerbated because of the twinkling names that decorate the credits. If *Wolf* arrived as merely one more horror flick, however expensive, it could just flow through the cloaca of Hollywood commerce. But the names on this one tease us to expectations, almost warning us not to understand too quickly, promising us a horror picture that will overcome prejudice and snobbism. This promise is a lie. After some mild interest at the start, *Wolf* plummets into utter trash.

(2) Anger at the stupidities of the screenplay, plus the fact that those errant stupidities were never challenged by the high-flying professionals involved. The theme of the story is lycanthropy—not in the Transylvanian mountains of yore but in Manhattan today. A possible idea. But if someone proposes a picture about a smart New York book editor who gets bitten by a wolf on a trip to Vermont and then turns into a werewolf, surely the immediate questions are (*a*) Why? What's the point of the lycanthropy?; and (*b*) How does the picture *end*?

About (*a*), there has been lots of publicity puffery, but it all seems ex post facto. The picture is really (they say) about the latent savagery under the Gotham slickness. (Pinter's famous weasel under the cocktail cabinet.) But *Wolf* doesn't support a symbolic structure. It's just a literal "infection" plot. A man is bitten; he bites a second person who also becomes a werewolf and bites a third, ditto. The first person has no trace of incipient savagery in him, nor has the last. Arguably the middle person can be seen as a marauder whose marauding becomes physical, but he is the least important of the three. Question (*a*) was apparently ignored in the excitement of letting werewolves loose in Manhattan.

As for (*b*), it's just an embarrassment. No one ever decided what the story was moving toward. It just runs out, like a highway that leads to a cliff edge. The best that can be said creakily for the ending is: it implies that life as a werewolf is better than life as an editor or as the rich young woman who loves him. This is a lesson that all editors and all rich young women who love them may well take to heart. Jim Harrison and Wesley Strick claim credit for this screenplay. Elaine May, once the partner of Mike Nichols in dazzling satire, rewrote the screenplay, uncredited. Wise woman.

(3) Anger against that same Mike Nichols, who directed. Exceptional talent he has always had, bursting out in his first theater work. His theater work has since been spotted with cynical choices. In film he began with *Who's Afraid of Virginia Woolf?* and *The Graduate* and *Catch-22* and has bounced along, ups and downs, to *Regarding Henry*.

Nichols is still, technically speaking, an exceptional director. In *Wolf*, for instance, he works in close a good deal of the time—not just conventional close-ups and two-shots but with a feeling for electricity and confrontation. It's not the slamming of bodies together that Kazan used to do, it's the irresistible effect of gravitational forces.

But, here as often before, Nichols isn't too particular about the material he directs so long as it's star-studded and glitzy. In our culture almost all theater and film artists are up for sale. Nichols seems no less blatantly so than most.

(4) About Jack Nicholson, as the book editor, an even more serious anger. The history of American film since 1969 (*Easy Rider*) must show Nicholson as a major contributor to its texture. His performances in *Five Easy Pieces, The Last Detail, Chinatown, One Flew Over the Cuckoo's Nest, Terms of Endearment, The Witches of Eastwick* are reifications of the unspoken in American fantasy, regret, frustration: the potential poison of charm, the metamorphosis of virtue into accommodation, the temptations of sexuality as weapon and wile, the shrug that is the last betrayal. Even The Joker in *Batman* was a lurid cartoon of metastasized ego. Nicholson has made his clinkers (e.g., *Goin' South, The Two Jakes*), still they were failures, not surrenders.

But now *Wolf*. This comes after *Hoffa*, in which Nicholson boldly plunged into a performance of abrasion, color and dark depth, a character who summed up much that is admirable and revolting in American social history. His performance was a risk for a major star, but it was done without compromise. Possibly it was his disappointment at the reception of *Hoffa* that led him to *Wolf*.

It might have been a fruitful idea, a virtuosic move, if the screenplay were

FILMS WORTH SEEING

Four Weddings and a Funeral. *Bright British comedy-romance written by Richard Curtis. High time that someone revived "The Tall Guy," another bright British comedy-romance written by Curtis, with Emma Thompson and Jeff Goldblum. (Reviewed 4/4/94)* **Freedom on My Mind.** *Survivors of the Mississippi Freedom Democratic Party, 1964, comment on the history and fate of that movement. A bitter, hopeful documentary. (6/27/94)* **Thirty-Two Short Films About Glenn Gould.** *Canadian writer-director François Girard has found a unique, scintillating way to view the great pianist's talent and quirks. (4/25/94)* **White.** *Adventures of a Polish hairdresser in Paris and Warsaw, trying to recapture his divorced wife. Mordant, funny, moving. (6/13/94)* **—SK**

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any good. Some of the classics in film history are horror films, such as Murnau's *Nosferatu* and Dreyer's *Vampyr,* but Murnau and Dreyer had more than frissons in mind, they articulated metaphors. Even *Dr. Jekyll and Mr. Hyde,* in its several versions, dramatized a simplistic yet telling idea. But *Wolf*! Its last big sequence, in which the lupine Nicholson and another transformed editor battle to the death with growls and leaps, is so barren of meaning that all we can think of is the growls and leaps, these two actors with fangs and face-hair carrying on ridiculously.

Nicholson's flawed sense of responsibility—to himself, chiefly—is the sorriest thing of all.

Less anger for Michelle Pfeiffer as the rich girl, Christopher Plummer as her billionaire father, James Spader as another editor in Nicholson's office. Pfeiffer is a tiny talent once again doggedly trying to be serious. Plummer is a great theater actor doing what great theater actors have often done, taking a cashward turn through a minor film role and relying on our comprehension. Spader is a schnook—with some talent, but still a schnook—who sometimes has a schnook's luck of falling into a rewarding role. This isn't one of them.

The music is by (I seem to type this name every other week) Ennio Morricone. Enough said. The only person who really comes off well in this enterprise is the cinematographer, the marvelous Giuseppe Rotunno, who has done (among many) *Amarcord, And the Ship Sails On* and *The Leopard.* I've never seen Nicholson's face explored better, not with distortions and tricks but simply with perception expressed through lighting. What a pity that Rotunno had to contend with all those toothy, hairy moments. •

Ascent Into Limbo

BY HELEN VENDLER

Materialism by Jorie Graham

(The Ecco Press, 146 pp., $22)

Jorie Graham, brought up in Italy by American parents and educated in French schools, has published five books of verse, beginning with *Hybrids of Plants and of Ghosts* (1980) and continuing with *Erosion* (1983), *The End of Beauty* (1987), *Region of Unlikeness* (1991) and her newest book, *Materialism.* The poetry has always been strikingly ambitious in subject matter, genre-exploration and metrical invention. Like all new poets, Graham has mostly been discussed in terms of themes, which range, in her work, from notes on the reality of the self to the inflictions of history, from mutual corrections of identity in marriage to the nature of modern war.

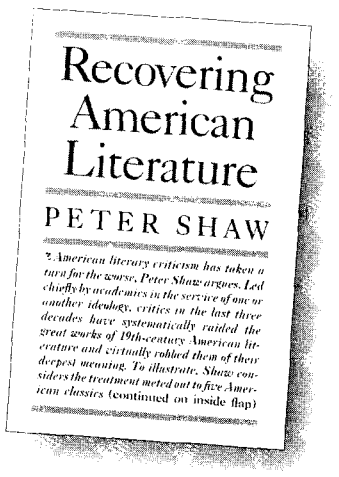
For me, it is fundamentally Graham's rhythms that are irresistible. Here she is, riding with other passengers on the New York subway:

> 1982 on the downtown Express just out
> of 72nd Street,
> having found a seat in what is like a dream,
> the sideways-rocking
> *mixed-in with the forward*
> lunge making me slightly
> sleepy, watching the string of white
> faces lined up across from
> me—
> the interlocking vertebrae
> of the endless twisting creature's
> spine—
>
> watching it lob to absorb the shocks—
> watching it twist all one way to wreathe
> the rudderless turns—
> watching the eyes in it narrow, widen, as
> the tunnelling forwardness
> cleaved to its waiting like flesh—
> widen and narrow—blinking—the whole
> length of the train (I thought)
> this dynamism of complex acceptance,
> sleepy, staring out. . . .

There is a startling ratio of unaccented syllables to accented ones in such lines; and though the lines are full of trisyllabic feet, Graham's metrical feet do not evoke the galloping effect of classical anapests and dactyls, mostly because she regularly interrupts trisyllabic feet with shorter ones. Sooner or later, too, she checks her rapid hurrying long lines with a brief one, like the one that closes the passage above.

This is one of Graham's characteristic rhythms—the cascading or tumbling one of urgent presentness followed by a lapse into pause or exhaustion. Another

"A persuasive case, free from ideological cant."
—Kirkus Reviews



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is an abrupt, strongly marked spondaic rhythm of disorientation, where in rapid succession the reader may see italics, an ellipsis, a dash, a question or a command:

> *First* this. *Then* this . . . Oh, glance—
> gnawing the
> overgrowth,
> criss-crossing the open for broken spots,
> leaks—
> what is there? what is
> the object? Look: see the face without eyes.
> Don't be
> afraid—twitch, lisp, slur—. . . .

Of course, this rhythmic urgency on the page would be fruitless unless there were a corresponding urgency of subject.

Urgency of subject, while it can compel an inexperienced reader into a piece of verse, has no power over someone thirsty for a real poem—and the thirst for a poem is a parching one, as real as acute physical thirst or the longing for sleep. A compelling rhythm is the first sign of a tide of utterance rising to expression. The thirst will be slaked by anything—a dance rhythm, a sly rhythm, a peremptory rhythm, a hesitant rhythm—but only a rhythm will do. And in Graham it finds many such tidal motions.

Then the reader's thirst wants to know what the rhythm itself is athirst for, what it is bent on finding, where the drive of the poem is sending it. If the quest of the poem turns out to be trivial or shopworn or unintelligent, everything collapses and the rhythmic trance is broken. A rhythm makes the experienced reader's ears come alive: an orchestra is tuning up, where will it lead? Does Graham earn her cascades of words, her Dickinsonian dashes, her questions, her italics, her present participles vibrating in the ether of the poem? And if so, how?

She stops, literally, at nothing. Her voice can even move, at a climactic moment, into the tone of biblical prophecy:

> Thou didst divide the sea by thy
> strength: thou breakest
> the heads of the dragons
> in the waters:
> thou driest up the mighty river:
> the day is thine. . . .

By what authority does she assume this tone, invading literature in its most sacred quarters, raiding it, appropriating it for her poem? Such a posture must be earned, or it will become absurd.

The recent modest circumscription of lyric poetry to the personal voice has made most of our poets forget that the lyric can also be magisterially impersonal. (Within the "personal" I include the "class-personal," the voice that says "I, a woman" or "I, a black.") The personal lyric represents the socially marked self; but the impersonal lyric represents what used to be called the soul, but might better, in Graham, be called consciousness. Personal circumstance is acknowledged to underlie the awakening of consciousness, and Graham's poems often begin in individual autobiographical circumstance—but their restless search drives them to ranges of feeling and speech where it really does not matter whether one is male or female, young or old, black or white.

A Graham poem may recall, for instance, a point where a boy starts firing a gun in your car of the subway, where until this moment you have been noting only the serpentine rocking of the train:

> light and blood swirling—us down
> here
> on our knees in
> secret, living, living,
> *my portion of time,*
> *my portion, full,*
> (can you stand it?)
> (get down and hide). . . .
>
> all things can happen,
> wave after wave. . . .

This moment—in which everyone is huddled on the floor, afraid to die—is one illustration of Graham's metaphysical moment, an instant when human beings, no matter what their social identities may be, breathe with one breath, feel one collective horror, think one apocalyptic thought. Another such moment is the time of unendurable physical pain—as it is preserved, for example, in the bite-marks on a Civil War bullet seen in a Memphis museum. Yet another is the moment of transition from one kind of perception to another, as when someone who has been lost in listening to music suddenly, with the ending of the music, becomes aware of the light:

> When the music ended she noticed
> the light.
> *The music has ended* it said all over the
> things.

This is a transition that no one can have failed to experience—a sudden crossing from the attentiveness of one sense to the attentiveness of another sense. After the constriction of human possibility implicit in identity politics, it is like coming into light and air to move in Graham's enormous world of multifarious change, where import lies in any circumstance, and the import is general to all.

There are five poems in *Materialism* entitled "Notes on the Reality of the Self"—five separate poems scattered throughout the book, each bearing this title. Whitman speaks, in "There Was a Child Went Forth," of "the sense of what is real, the thought if after all it should prove unreal"; and with the vanishing of a theological sanction for reality (in the notion of the participation of the material world in "the image and likeness of God"), the necessity to redefine "reality" has become a continuing and pervasive effort of modernity, around which Graham has structured her book.

The twentieth-century self inquired into by means of Graham's poems is not primarily defined by personal or social detail. Graham's task is to make the voice of metaphysical and moral consciousness as strong a source of language as the voice of the socially inflected self, which is rooted in nationality, ethnicity, social class, age and gender. The soul—the old lodging for the metaphysical and moral consciousness—was defined by its opposition to body, matter, dust. Graham proposes that the soul, on the contrary, must be materially definable, and she situates her poetry in the wake of the great philosophical crisis about the nature of reality provoked by the scientific advances of the Renaissance.

Since the poet, as Wordsworth said, must create the taste by which he is to be enjoyed, Graham creates the context in which her poems are to be understood by interspersing among them, in *Materialism*, various central texts from the history of the material understanding of nature, from Leonardo da Vinci on "Movement and Weight" ("Weight, force, a blow and impetus are the children of movement because they are born from it") to Sir Francis Bacon on scientific method ("We must bring men to particulars and their regular series and order, and they must for a while renounce their notions and begin to form an acquaintance with things") down to Wittgenstein ("Objects, the unalterable, and the subsistent are one and the same") and Benjamin ("The angel of history . . . sees one single catastrophe that keeps piling wreckage on wreckage and hurls it in front of his feet"). These are merely illustrative snippets from the pages—about thirty of them to 110 pages of poetry—that confront us with the intellectual axes of Graham's present imaginative world.

Prefacing all of this—as frontispiece and jacket—is a preliminary drawing for Mantegna's *Descent into Limbo*, showing Christ, seen strikingly from the back, his garments swirled about him by the infernal wind, as he descends to fetch from the depths of the earth all those who, since Adam's fall, have been waiting for salvation. By choosing as her emblem a

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Christ who is intent on his descent into the earth, his face turned toward death and the depths as he passes into matter, Graham declares that the spiritual can arrive at its realization only through the gate of materiality.

How is this to be accomplished in poetry? Graham suggests, quoting from "Sun-Down Poem" (later called "Crossing Brooklyn Ferry"), that Whitman is her predecessor in this venture:

> We *realize* the soul only by you, you faithful solids and fluids;
> Through you color, form, location, sublimity, ideality;
> Through you every proof, comparison, and all the suggestions and determinations of ourselves.
>
> You have waited, you always wait, you dumb, beautiful ministers! . . .
> We fathom you not—we love you.

Whitman's rapturous immersion in "faithful solids and fluids" is an aspect of American romanticism that cannot be repeated. Graham's landscapes of material perfection are almost always broken in on by historical catastrophe. Yet catastrophe itself is only the social version of the biological catastrophe that is organic dynamism, always pressing toward its end. The material soul is mortal; and when Graham wholly inhabits a material phenomenon—say, the blooming of an amaryllis—it is the ineluctable curve toward death that the poem follows, even though it is called "Opulence":

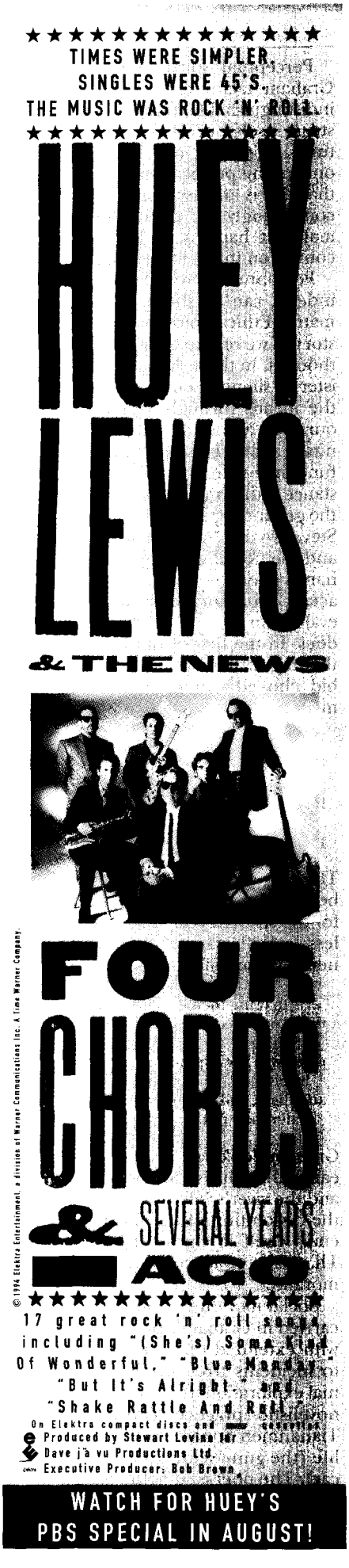
> The self-brewing of the amaryllis rising
> before me . . .
> stepping out of the casing
> outstretched,
> high-heeled—
> something from underneath coaxing the
> packed buds up . . .
> till the four knots grow loose in their
> armor,
> and the two dimensions of their perfect-fit
> fill out and a third,
> shadow, seeps in . . .
> the four of them craning this way then that
> according to
> the time
> of day, the drying wrinkled skins of the
> casing
> now folded-down beneath, formulaic,
> the light wide-awake around it—or is it the
> eye—
> yes yes yes yes says the mechanism of the
> underneath tick tock—
> and no footprints to or from the place—
> no footprints to or from—

Since nothingness both precedes and follows being, and there is no risen Jesus to leave footprints behind as he walks away from the sepulcher, the soul, defining itself from what it sees of the various beings "outside" it, learns the lesson, from the amaryllis, of its own essence, its perishable nature, as the very "tick tock" of "the mechanism of the underneath"—"evolutionary progress itself"—impersonally extinguishes what it has evolved.

Graham's "Notes on the Reality of the Self" confront not only the transience of the materially constituted metaphysical self, but also its radical incompleteness. Just as the bushes in her backyard bending under the force of the wind—utterly responsive to its force—are wholly unresponsive to a nearby force—the sound (strong, urgent, metallic) of a brass band practicing nearby—so human consciousness can respond to, and draw its own sense of itself from, only a limited range of phenomenological stimuli available to it. Here are Graham's backyard bushes, deaf to the band-sound that deluges them:

> For there is not a sound the bushes
> will take
> from the multitude beyond them, in the
> field, uniformed—
> (all left now on one heel) (right) (all fifty
> trumpets up
> to the sun)—not a molecule of sound
> from the tactics of this glistening beast,
> forelimbs of silver (trombones, french
> horns)
> (anointed by the day itself) expanding,
> retracting,
> bits of red from the surrounding foliage
> deep
> in all the fulgid
> instruments—orient—ablaze where the
> sound is released—
> trumpeting, unfolding—
> screeching, rolling, patterning,
> measuring—
> scintillant beast the bushes do not know
> exists
> as the wind beats them, beats in them, beats
> round them,
> them in a wind that does not really even
> now
> exist,
> in which these knobby reddish limbs that
> do not sway
> by so much as an inch
> its arctic course
> themselves now sway—

In this, the most brilliant of the "Notes," with its untrammeled natural energies of light and wind, and its equally untrammeled human energies of band music, all focused on the bending bushes unconscious of the band, Graham adopts a voice of such piercing responsiveness that one wants to call it "subjectivity" and a voice of such pellucid reportage that one wants to call it "objectivity." It is this interpenetration of spirit and matter, so that each is known only by the contour it gives the other, that Graham means by both "materialism" and "subjectivity." And Graham's emblematic wind of fate and anthropomorphized swaying bushes are such highly conventional emblems that they do not compromise the impersonal identity of the narrator.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Perceptual spirit, even fated spirit, Graham tacitly argues, can find itself indistinguishable from matter, must construct itself out of the forces and fortunes of matter, can find its predicate only in the predicaments of matter. Not that this is an easy thing to bring about convincingly in poetry—but Graham makes it happen, with her passionate conviction that it must be done.

Perceptual spirit, fated spirit: that, indeed, can be shown finding itself in matter. Ethical spirit, however, is another story. If we realize ourselves, as Whitman thought, in those "dumb, beautiful ministers," silent phenomena, can they be the means through which we "realize" ourselves as moral agents? In moral cognition about the self, yes, insofar as it is a fundamental moral act to admit circumstance rather than to deny it—and this is the grounding moral act of art, to see, as Stevens said, "nothing that is not there and the nothing that is." Several of Graham's poems concern this fundamental accuracy of moral observation, in which evaluation keeps shifting because life does. In the first of the self's "Notes," a thawing spring river, at first swollen, turbid, choked with leaves ("all content no meaning"), brings the question,

> Is there a new way of looking—
> valences and little hooks—inevitabilities,
> proba-
> bilities? It flaps and slaps. Is this body the
> one
> I know as me?

The giant body of the river gradually becomes invested as an adequate locus for the self as it rearranges the meaningless leafy flotsam of the past year into new, released motion:

> thawing then growing soggy then
> the filaments where leaf-matter accrued
> round a
> pattern, a law, slipping off, precariously, bit
> by bit,
> and flicks, and swiftnesses suddenly more
> water than not.

Graham looks so scrupulously at the earth that the scrim between her will and the river's will vanishes and she sees the dissolution of her own old patterns enact itself in the river's freed throat. That is a practice of inner cognitive morality.

Social morality, on the other hand, is carried in Graham's poetry by narrative, with extended reference in *Materialism* to incidents from the Holocaust, colonial exploration, the Russian Revolution, novelistic practice (*Madame Bovary*), Tiananmen Square and local American life (the gun-wielding boy in the subway car). The poet is sometimes an attender to social history, sometimes a participant in it. Though the encapsulated short narrative has often served Graham well, I found some of the historical incidents here, notably the Holocaust narrative forming nine of the seventeen sections of "Annunciation with a Bullet in It," too long for the proportions of the lyric. And some of Graham's attempts at collage ("The Break of Day," for instance) seem strained. There is a limit, after all, to how many disparate things can be made to hang together: and a poem bringing into mutual relation Plato and *The Golden Bough* and Heidegger and Marx and *Madame Bovary* seems to me in danger of incoherence. Yet such a poem can contain pieces of dazzling writing. Here is the poet speaking as Adam, out of whose rib God will tear Eve (created matter):

> I feel the skin tighten like Saran Wrap now,
> the god finishing up
>
> the form—privacies are added—the starry
> dizziness
> rammed into the eyepits—deep in—
>
> the symmetry like a forked shriek
> effected—two and then
> two—His thumbs
> smoothing it out—
> and Balance struck through the top of
> me—down through—
> steel rod—slicing the parts of the visible
> forever from—
>
> severing the front from that parched earth
> behind me now—
> cramping me in,
> the sill of nothing to nothing,
> this orphaned forwardness now swelling
> up, starched—a cancellation but
> of what I
>
> *can't say*—and mended *(whoosh)*
> muddled....

Keats wrote that "The Imagination may be compared to Adam's dream—he awoke and found it truth." In the gap between Keats's idealized dream and waking, on the one hand, and Graham's tortured and violent separation of self from being, on the other, we can see the gap between a naturalized supernaturalism and a late, disbelieving materialism.

"We are *in a drama*," says Graham, and her rendition of the dramatic force of aesthetic attention and choice ("What am I/ supposed//to take, what?") restores to poetry, if in a different vein, the impassioned idealism of Shelley. The combat against nostalgia in Graham is especially fierce in this new volume. As she encounters, on her way through life, the various clichés of our moment—abortion-clinic protests, drug addicts, television, the commemoration of 1492—she makes of them something that claws out toward a larger order, a more comprehensive view, while maintaining the coursing emotions proper to poetry and missing from conventional metaphysics.

Perhaps the most congenial single philosopher for her verse is Wittgenstein, in the passage she quotes from the *Tractatus*:

> 2.026 There must be objects, if the world is to have an unalterable form.
> 2.027 Objects, the unalterable, and the subsistent are one and the same.
> 2.0271 Objects are what is unalterable and subsistent; their configuration is what is changing and unstable.
> 2.0272 The configuration of objects produces states of affairs.
> 2.03 In a state of affairs objects fit into one another like the links of a chain....
> 2.04 The totality of existing states of affairs is the world.

What would a poetry be that took as its theory these passages? It is the poetry that Graham has invented in *Materialism*—philosophically stern in spite of its verbal opulence, morally severe in spite of its allusive spangles. It is not what has generally been thought of as "women's poetry." Graham's fierce sense of the philosophic universal may help remind American poets that there is a dimension of the lyric that goes beyond the merely personal, the merely social. It is a dimension we find in Emily Brontë and in Emily Dickinson—austere, renunciatory, far-seeing, but also detailed, intimate, saturated with phenomena.

Graham relies on a prolonged moment of phenomenological observation to spin out her poems; and she has become perhaps a prisoner of the present participle, hovering over the ground of perception. Through the present participle she hopes to hold at bay both the temptations of the historical past, threatening lyric with narrative, and the abyss of the unknown future, threatening lyric with closure. In keeping with this desire to prolong the lyric moment, Graham was originally attracted to paintings as vehicles of suspended attention. Now, she has substituted the senses as more primary vehicles, bending over nature as the mind once bent over art. In each case her aim has been to suspend closure while appearing to hurry toward it. What will happen to her poetry when death is taken, not as an inevitable end to be held off as long as possible, but as the condition of all existence?

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Sic Transit Gloria

By Jean Bethke Elshtain

Moving Beyond Words by Gloria Steinem

(Simon & Schuster, 296 pp., $23)

Who Stole Feminism? How Women Have Betrayed Women by Christina Hoff Sommers

(Simon & Schuster, 320 pp., $23)

It seems that Simon & Schuster wishes to cover all the bases, producing more or less simultaneously a book whose thesis is that feminists have betrayed women and a book whose thesis is that women continue to be betrayed by patriarchy. My hunch is that the less familiar and predictable book, Christina Hoff Sommers's indictment of what "gender feminism" has wrought, may well carry the day. What Gloria Steinem has to say, and the way she has to say it, is utterly familiar. *Moving Beyond Words* has not exactly moved beyond words.

Steinem begins with a self-congratulatory warning to the reader: "Since there seems to be no genre for this, I've found myself explaining it in this way: If you added water to any of these parts, it would have become a book." Despite the fact that her book is not exactly a book, Steinem proclaims herself "spent and happy" at its finish. For "writing a book is like trying to stop a river." Enough already. If we don't have a book, what is it that we do have? The usual plaints, I fear. Thus we are told yet again that Freud was an "abnormal" creature and that his theory constitutes "the Watergate of the Western world." (Whatever that means.) We are also told that Steinem is an "economics-impaired person" who took years to wise up to the ways of our profit-driven world, and that advertising compromises editorial freedom. (This is the wisdom that emerges from a piece on the perils of *Ms.* magazine's efforts to find advertising.)

The platitudes continue to proliferate. "Rich girls," says Steinem, are terrifically unhappy and not well-off at all (which is in line with the view that all women, until they go on the "verge" and things start to "click," lead blighted lives). They do not really control their own wealth, for one thing; but Steinem hints at yet darker possibilities: "We've read about rich girls who were victims of incestuous relationships.... Many observers believe that sexual abuse is *more* prevalent among families of inherited wealth and power than in the population at large—and I agree." (There is no footnote for this, and no evidence is cited.) And finally we are treated to an "I'm all right, Jane" celebration of turning 60. Over the years, Steinem reports, she has learned that women are best thought of as "perennial flowers who re-pot ourselves and bloom in many times."

But what is blooming here wilts quickly under scrutiny. In an essay praising women who go from soft bodies to hard bodies, for example, Steinem celebrates the career of "the strongest woman in the world," a body-builder named Bev Francis. She details Francis's trials and tribulations, her stalwart training, her battles with sexism, her refusal to resort to breast implants. But she did have a teeny-weeny nose job: she didn't like her nose much, her husband told her that "if you don't like it change it," and change it she did. Her nose "fits her face better now," so all is well. Mind you, I think it's great for women to be fit; but turning fitness into a fetish doesn't seem like such a wonderful idea and, if the bitter truth be known, women who are out doing what Steinem wants them to do with jobs and careers, and who are also doing what she is a bit less keen on—marrying and having children—have little time for a regimen that sculpts a body.

This particular essay is fluff, and not worth belaboring. But one of Steinem's analogies is notable and troubling. She proclaims that going from Miss Soft Body to Ms. Hard Body is "so dramatic that the only male analogues I could find were Vietnam amputees whose confidence was bolstered when they entered marathons in wheelchairs or on artificial legs." Do we really want to compare men who have lost limbs to women who work out? Why not compare overweight, overworked, flabby male careerists to their tougher, hard-bodied and healthier counterparts? The analogy, however, is revealing: for Steinem, women are crippled, besieged, beleaguered. Hence her rush to conflate grievous bodily loss with "normal" but undesirable femininity.

Or consider "Sex, Lies and Advertising," a manifesto that can't quite make up its mind. On the one hand, advertising is awful and manipulative and akin to censorship. On the other hand, sexist and male-dominated corporations were egregiously slow to take up the offer to advertise in *Ms.*, despite the fact that the promoters of *Ms.* had facts and figures on their side proving that, yes, women buy cars and drink liquor and consume all sorts of things. Steinem cannot decide if she wants a world without advertising or a world with what might be called "equal-opportunity manipulation." She laments the compromise of "editorial freedom" entailed by the need to advertise—and I have no doubt that compromises of all sorts get made in glossy magazines—but she also condemns the efforts of a group who, offended at a *Ms.* article, tried to organize a consumer boycott against advertisers in *Ms.* This, too, is construed as an attack on "freedom of the press."

I am old-fashioned and liberal enough to think that consumer boycotts are part and parcel of the American way of doing business. So why cry censorship? Because Steinem doesn't like the politics of these particular boycotters; and so their organizing efforts must be nothing less than an assault on freedom. We get another tasty, unwittingly revealing analogy here, too, as Steinem avers that "feminist seminars in shopping centers" (she cites Bloomingdale's) are "to the women's movement" what "churches were to the civil rights movement in the South—that is, where people are." Am I alone in being confounded by the facility of this equivalence? Bloomingdale shoppers and Dr. King's congregations?

And then there is the matter of Freud—or "What if Freud Were Phyllis?" as Steinem calls her essay. Here she is spectacularly behind the curve. She seems completely unaware that dozens of contemporary scholars with impeccable feminist credentials are inventively bringing Freud to bear on their own work. It is clear, not least because she says so, that Steinem will permit only one reading of Freud's work, her own tendentious reading, and those who deviate from it are defenders of mischief, lies and patriarchy.

Steinem would like her reader to consider, as a thought experiment, the reversal of Freud's gender, to consider

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Freud "as a woman." For Steinem, writing up a "biography" of "Phyllis Freud" is concocting a "lethal satire" on a par with Swift's "A Modest Proposal." To this end she invents words and make-believe "scholarly" footnotes. The idea is to show that Freud's entire life and work were folly. Steinem claims she "gained a lot of faith in reversals—of all kinds." This is the conceit of her essay. But it isn't necessarily the case that such reversals are a contribution to empathy or understanding, especially if the reversal is based on a caricatured version of what one is reversing. What turning the tables in this way does accomplish, though, is an incitement of spite and resentment. The Freud that emerges in Steinem's genuinely unpleasant pages is the Freud portrayed, and hated by, anti-Semitic Vienna, the filthy-minded psychic seducer of trusting and tormented women. He is pathetic ("there was no help for the poor guy himself") as well as malicious and dangerous. Steinem alternately pities, trashes and scorns. (Freud is trashed for the rumor that he had an affair with his sister-in-law, but then Steinem pities by saying that this "might turn out to be the most normal thing about Freud.")

I haven't the space or the patience to correct Steinem's essay point by point, but a few things do need to be said. She claims that Freud thought "cocaine was just fine," which is completely false. She suggests that Freud may have been a murderer (more or less) for having "injected and killed" a friend and colleague. This is a slander against the truth about Freud's medical and personal solicitude for Ernst Fleischl von Marxow, a friend Freud tried to wean off morphine addiction with an oral solution containing cocaine—this at a time when cocaine was readily available at the local pharmacist. She claims that Freud embraced dream symbolism because symbols allowed psychoanalysts to interpret dreams without questioning the dreamer, when in fact Freud thought symbols had a very limited exegetical usefulness, and so based his interpretations on the dreamer's associations. And it is amusing, but not altogether surprising, to watch Steinem trot out Jeffrey Masson's widely discredited theories about Freud's treatment of sexual abuse in childhood and the psychic traces of it. Freud *never* denied that cases of seduction and abuse actually occurred, but he alerted us to the difficulties involved in sifting "inner" and "outer" realities—a difficulty that recent court cases in this country illustrate.

As if this weren't enough—and I am only skimming the surface of this hatchet job—she takes Freud to task for rejecting both "Marxist revolutionaries in Russia" and "Woodrow Wilson and the League of Nations." Freud, claims Steinem, was always "critical of those foolish enough to try to make social revolutions; especially feminists, who he thought were opposing biology itself." But Freud is clear about what he fears—not "foolish" social revolutionaries, but cruel and dangerous ones. Perhaps Steinem believes that the Russian Revolution was a success. And his criticism of Wilson and the League was based on a premonition that the breakup of empire in Eastern and Central Europe would invite the eruption of the nationalistic "narcissism of minor differences," a premonition that was amply confirmed in his time and in our own.

Nor is Freud's family spared. "Look up 'Anna Freud' in the index of the most pro-Freud biography," writes Steinem, "and you'll probably find an entry for 'low self-esteem.' " At this point I grow rather sickened. Anna Freud's intellectual independence was praised and encouraged by her father. She went on to become, in the words of Elisabeth Young-Bruehl, her gifted biographer, "not only her father's successor and, in her own right, her generation's most scientifically exact and wide-ranging theoretical and clinical contributor," but someone who lived a rich, full and productive life until she died at 86. This, "low self-esteem"? If so, let us have more of it.

Rounding things off with her celebration of re-potted women, Steinem's book flies out in all directions. Yet another weird analogy: women who try to "pass" as younger, says Steinem, are like "fair-skinned blacks" and "Jews escaping anti-Semitism." The best bits in "Doing 60" may be found in Steinem's somewhat breathless account of a youthful trip to India, where she learns that "if you want people to listen to you, you have to listen to them." But there is little evidence that she listens to other women—forget about men—unless they share her assumptions and her conclusions, including the conviction that "the personal is the political" *tout court*. Such a feminism is so old it is reactionary. Hasn't the experience of the last three decades taught that it is impossible to reduce the personal to the political? Are there no lessons to learn on this score?

The transformation of feminist politics into therapy is the dominant story told by Sommers, though she does not describe her story in quite this way. Sommers is, in her own words, a "feminist who does not like what feminism has become," and she adds that "the new

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gender feminism is badly in need of scrutiny." I agree, certainly, that no doctrine and no movement is exempt from scrutiny. How well does Sommers succeed? Though she was trained in philosophy, Sommers's analytical achievements here are owed to her journalistic stubbornness, to her energy in tracking down and exposing "factoids" that have gained the status of "fact."

Interestingly, all these factoids are dismal. One would never know that, on all indices of achievement, women have steadily been gaining ground. That just isn't grist for the orthodox feminist mill. Consider two examples. "In *Revolution from Within* Steinem informs her readers that 'in this country alone ... about 150,000 females die of anorexia each year.' " This translates into 150,000 martyrs to the cause of feminism, or a horde of feminists dead aborning, for, in Steinem's view, anorexic women are women in political revolt. Sommers does some legwork and discovers from the president of the American Anorexia and Bulimia Association that "we were misquoted." The organization's newsletter had written of 150,000 to 200,000 estimated *sufferers* from eating disorders. "The National Center for Health Statistics reported 101 deaths from anorexia in 1983 and sixty-seven deaths in 1988."

What is going on here? Why, asks Sommers, do we want to believe the most awful stuff? Take another example, reported by Patricia Ireland, president of the National Organization for Women, in a PBS interview: "Battery of pregnant women is the number one cause of birth defects in this country." Sommers wondered how this could be, and set out in pursuit of this factoid. She called the March of Dimes, whose director of education said that they had seen no such research. Yet this "fact" was cited as such in *The Boston Globe*, *The Chicago Tribune*, *Time* and *The Dallas Morning News*, among others. Sommers called the March of Dimes again. Its director of media relations said the rumor was spinning out of control: even Senator Kennedy had requested a copy of a nonexistent report. When Sommers finally reached the reporter who had written the article in *Time*, the reporter said she had been in error; she had not checked her facts first. *Time* later printed a retraction. Meanwhile Sommers located the source of the story in a maternal nurse and child specialist in Raleigh, North Carolina, who said: "It blows my mind, it is not true." What she had said was that less screening for battery than for birth defects was being done, but she had "said nothing at all about battery causing birth defects."

But the mainstream media had leapt at the chance to paint yet another picture of American women assaulted, besieged, destroyed, manipulated, damaged. Sommers rightly asks:

> Why was everybody so credulous? Battery responsible for more birth defects than *all* other causes combined? More than genetic disorders, Down's syndrome, Tay-Sachs, sickle-cell anemia? More than congenital heart disorder? More than alcohol, crack or AIDS—more than all these things combined? Where were the fact-checkers, the editors, the skeptical journalists?

Her conclusion is that "gender feminists" have pretty much got the media in the palm of their hands. To be sure, it was an indefatigable reporter from *The Washington Post* who exposed the false story that Super Bowl Sunday was the No. 1 day for battering in the entire year. Sommers might have made more of this one. For encoded into the Super Bowl story were two stock genre types: the red-necked, beer-drinking, football-watching clod of a male and his counterpart, the ignored, long-suffering, abused wife. This latter image dominates television talk shows and evening docudramas. There is more than a little class nastiness and, yes, sexism lurking just beneath many of these allegedly progressive representations.

As the culture revels in bathos, so the academy, according to Sommers, sinks into a torpor brought on by fear. It is certainly the case that any senior woman in the academy who works on "women's issues" and is involved in feminist debates has stories to tell of being pressured to fall into line, for fear of being declared an apostate. Collecting such stories, however, is rather like shooting fish in a barrel. My hunch is that plenty of women—and feminists—who have been criticized from the standpoint of an ideological extreme have said the hell with it and gone on with their work.

Yes, there is a good deal that is obnoxious, especially the infantilization on display in group events in which women are required to give each other hugs, talk about something unpleasant as an "ouch experience" and about some new insight as a "click experience." (Steinem has at least three "clicks," by the way, in her book.) Yes, women's studies workshops showing films with such titles as *Sex and the Sandinistas* and *We're Talking Vulva* are probably beyond the reach of even the most clever parody. And, yes, it is terrible when political or intellectual dissent is redescribed as a psychological problem: "You make me uncomfortable." When this happens in the classroom, it means that the teacher is evading her responsibility to help students grow up by encouraging them to make an argument and to listen to a disagreement without personalizing and psychologizing the encounter. If making someone feel uncomfortable is not permitted, then dissent and discussion are not permitted.

I can recall many pseudo-therapeutic events from my own years in the trenches, from 1973 until just last year, when a "facilitator" began an academic meeting by announcing that we were all going to be "supportive" of one another and show how exemplary women were by refusing to use language that others "couldn't understand," by eschewing "intellectual elitism" and so on. Such an agenda promises terminal boredom, among other things, but it is also an unabashed play for power: in the name of "making nice," people get shut up. I also know that there are young women faculty who are pressured by their "sisters" because they are doing "incorrect" things, such as the young (white) female historian studying (black) history who has been told repeatedly that she cannot legitimately do this because she is white and, moreover, because she is not "woman-identified." My advice in such instances has been the same for twenty years: ignore the drivel, do your work and hope that good sense and fair play prevail.

More often than not—of this I am convinced—decency wins out over ardor. But it is awful to be hounded and haunted by other women because you are the "wrong" sort of woman. Which brings me to a major point—and a major weakness—in Sommers's book. She suggests that the heavy hand of "gender feminist" ideology has got people cowering and running for cover, and she contrasts this to a happy time when academics were not so craven. It is my general impression, by contrast, that academics have never been profiles in courage. Academics tend to swim in schools like fishes. That feminism rapidly became a school with its gatekeepers and its enforcers is no surprise.

This sort of thing has been going on for a long time. Did the majority of academics refuse to sign "loyalty oaths" at the height of cold war hysteria? Tenure, or its prospect, seems not to stiffen people's spines. Sommers overplays her hand when she claims that "the campus feminists have not made the American campuses a happier place, and not least because they have brow-beaten a once outspoken and free faculty." Outspoken and free, in American higher education? Where? When?

To be sure, there's "trouble out there in River City," no doubt about it, and some of it marches into town under the banner of "gender feminism." But the academic excesses described by Som-

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mers speak to a larger cluster of problems in contemporary American civic culture. The feminism that she deplores is not the cause of these larger problems, it is their expression. This sort of feminism is the consequence, for example, of a tawdry pop-therapeutic worldview that battens off confessional television and the "self-esteem" craze.

And it, too, is a reflection of the American gift for moral panics. Lacking any longer a clear-cut external enemy to concentrate our minds, we obsess fearfully about one thing, then another. I recall a dismal conversation with the "coordinator" of a women's studies program at a small liberal arts college who told me that she had a hard time breaking through the "defenses" of many of her students in her introductory core course in women's studies. What she wanted them to admit to was that many of them were "victims of incest." And this, of course, is neither scholarship nor politics. It is only a trendy form of moral panic, and its "cure," alas, is rather noxious: mandated re-education that aims to inoculate both the alleged victimizers and the alleged victims against dangerous thoughts, words and deeds. More often than not, however, it inspires only resentment—I have a lingering confidence in the ability of Americans to detect nonsense when it comes close—and a Manichaean worldview in which the source of all my discontents lies always outside myself, in which self-criticism is always preempted.

A quick glance at the "self-esteem" industry shows just how desperate we can get, and how shoddy our thoughts can be, when we are caught in the grip of a moral panic. Consider the following: The most vulnerable body in America today is that of the young black male. He is most likely to die violently, to kill or be killed. He is most likely to drop out of school. He is most likely to be unemployed. Males in general are at greater risk of dropping out, being diagnosed with learning disorders, committing suicide, dying in car crashes. Yet, according to a report issued by the American Association of University Women, what is "shocking" is that young white women have such low "self-esteem." (Never mind the dubious measurements on which the calculation of self-esteem is based.) After weeks of effort Sommers actually laid her hands on the hard-to-find study, and she found that, on the evidence of the AAUW's own widely cited data, "African American boys score highest of all on the indexes of self-esteem." By leaving out this critical piece of the puzzle, it was easier to make the pitch that girls were doomed.

In fact, what the study seems to suggest, and this, if it is true, is very sad, is that young black men are overtaken by a romantic self-imagination that far outstrips any reasonable chance of attainment, given their prospects and circumstances. It may be that self-esteem has little or nothing to do with actual achievement. If you look at the figures, young, middle-class white women are, as a group, the highest achieving in academic terms. And, with women outnumbering men in higher education, one wonders what the self-esteem industry is all about. The answer, of course, is that it is about itself. But this makes it the enemy of a viable politics, that is, a politics that might do something about actual and unpleasant facts. But that young black men are the most endangered of all our young people does not play as well in our victim-loving, responsibility-shirking culture as a quasi-therapeutic enterprise aimed at young, middle-class white women. (Sommers might have said more about the class and race biases in all of this.)

Sommers aims some of her most withering critical fire at feminist epistemology, at those who proclaim a "woman's way of knowing." In its strongest form, in the claim that males and females inhabit separate epistemological universes, this is, of course, errant and dangerous nonsense. Still, is there no significant difference in, let us say, epistemological emphases? The nonsense notwithstanding, it is surely an exaggeration to dismiss our embodied and gendered experiences altogether. The maternal experience of women, for example, cannot be shared fully by men, and it certainly is an avenue of knowledge.

Sommers herself cites an illustration of "maternal thinking" from her own fine heroine, Elizabeth Cady Stanton. Stanton described the efforts of several doctors to try to encourage her 4-day-old baby's "bent collarbone" to grow straight. Each time the doctors bandaged the child, his fingers turned blue; and so Stanton devised her own contraption that did the job without cutting off the child's circulation. She explained this to the doctors, who marveled at the ingenuity of a "mother's instinct." "Thank you, gentlemen," Stanton replied, "there was no instinct about it. I did some hard thinking before I saw how I could get pressure on the shoulder without impeding the circulation, as you did." Sommers thinks that this is an example of gender-free or sex-free knowledge. But isn't it possible that the mother's intense attention to this, her child, helped her to think her way through to a solution? Isn't motherhood (and in its way, fatherhood) a sphere of what Aristotle called "practical reason," sexed or gendered in important, if not exclusive, ways?

Finally, Sommers contrasts bad "gender feminism" with good "equity feminism." She calls this latter "pure and wholesome," and traces its origins to the Seneca Falls convention in 1848. But it was not considered so "pure and wholesome" at the time. In fact, the good women of Seneca Falls were a pure scandal. They fought not only for the vote, but also against clothes that maimed, demeaning social codes, rotten doctoring—against the "dead hand of custom" in its various and pervasive manifestations. Many early feminists were crusaders of the moral panic variety. Carrie Nation was no more the soul of sweet reason than John Brown. There were some among the "equity feminists" who thought equity extended to free love. Others thought that it required reorganizing familial and social life along the romantic lines of Fourier and other fanciful socialists.

Sommers fails, then, to develop convincingly her own preferred feminist model; and this failure is traceable partly to the fact that she is trapped in too sharp and severe a contrast between the bad new and the good old. Her "equity feminism" is pretty thin on the ground. We need to know more about what it

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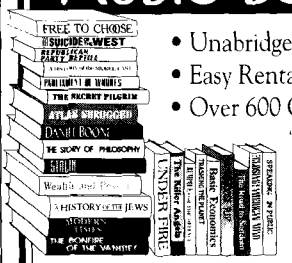

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requires. Has that feminist revolution already succeeded? What more, if anything, needs to be done? Sommers drops a tantalizing hint here and there: she notes, for example, that a woman's biological clock and an academic department's tenure clock may be clicking at the same time. (This is hardly the sort of cause with which to rally the population, though.) Perhaps we should take a critical look at the organization of work life and career patterns, which could scarcely be less "family friendly" than they are now. Does this require old-fashioned protectionism of the sort that women trade unionists fought for in the early decades of the century? But this would be an unhappy conclusion for Sommers, since it turns on precisely the gender differences that she wants to downplay.

Feminism is destined to remain what it has always been: an essentially contested concept, whose meaning admits of no final and definitive resolution. In the meantime, with all the Western welfare states in trouble, with nationalism promising to be the dominant political force in the next century, with social troubles here at home, especially among our children, there are more than enough "ouches" to keep us occupied for a long time. We are more than ever in need of an authentically political intelligence. We need to think not only humanely but also practically, to "think what we are doing," in Hannah Arendt's words. It was she who proclaimed, in response to a critic who took her to task for the sharpness of her political judgments: "My God, this is not the nursery." The United States seems headed down the road to a malicious and litigious Romper Room. This is not the fault of feminism; but, to the extent that institutionalized feminism, inside or outside the academy, has contributed to our spreading infantilization, it must be chastised.

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Prisms and Prisons

BY EDWARD L. AYERS

Stories of Scottsboro by James Goodman

(Pantheon, 465 pp., $27.50)

There is at least one story of Scottsboro on which people agree. On March 25, 1931, a freight train running westward across northern Alabama carried several groups of unauthorized passengers: some young white men, some young black men, two young white women. The warmest places on the train were the gondola cars, open to the sun but protected from the wind. Like so many people of their age and their class in the American South in the early 1930s, the passengers were in search of a place that might be better than the place they were leaving, some place with a job, a home, a person who cared about them.

The story breaks apart as we get closer. One version, the one that prevailed at the time in the courts, holds that as the train gathered speed a group of young black men suddenly appeared and ordered all the white "sons of bitches" out of a gondola. The black youths assaulted the white youths, shoving them off the train. One white could not jump before the train picked up speed, and fell back into the gondola. There he watched as nine black "boys," ranging in age from 13 to 19, methodically raped the two white women, aged 17 and 21. The white boys thrown from the train, bloodied from the fight, appealed to railroad workers, and at the next stop, some forty miles away, armed white men waited to capture the black riders. The local officials quickly rounded up the black boys and hustled them to a nearby jail. The officials prided themselves on preventing a lynching.

The other version of the story follows a radically different plot. In that version, a white boy stepped on the hand of a black boy holding on to the side of the train as it gathered speed. According to trial records, the black youngster mildly protested when he did it again: "The next time you want by, just tell me you want by and I let you by." "Nigger, I don't ask you when I want by," the white boy exploded. "Nigger bastard, this is a white man's train. You better get off. All you black bastards better get off!" The blacks fought back. The fight continued until the whites jumped off the train; one who nearly fell under the train was rescued by two of the black boys. Afterwards the victors spread out along the train, several of them finding cars in which to ride alone. When the train stopped a while later, the youths were surprised and dismayed when armed and angry white men surrounded them. Those men arrested the black boys for assault and attempted murder; they loaded them on the back of a truck to take them to Scottsboro, the nearest town, some twenty miles away. The suspects did not even know that there were women on the train until two white females dressed in men's clothes appeared to point out the black teenagers whom they charged with rape.

From the very beginning, then, what became known as "Scottsboro" bifurcated into lie and truth, white and black, male and female. And the story split again and again. The two women began to tell different stories; the black boys could not agree on what had happened; the white witnesses saw conflicting things. Most white Southerners had no doubt that the black men were guilty: they all knew that white women had an innate repulsion against sex with black men and black men had an innate lust for white women. If the women said they were raped, they were raped, even if the physical evidence did not accord with the violence that the women described. The guilty verdicts, and the death sentences that quickly followed, seemed to most white Southerners to be the natural and inevitable outcome of the events. But much of the world beyond the South saw the Scottsboro trials as flagrantly unjust, as ugly and eloquent testimony to white racism and cruelty.

Things did not become much clearer over the next decade, as one trial followed another, as the NAACP and the Communist International Labor Defense jockeyed for position as the true defenders of the accused, as lawyers and judges came and went, as people changed their stories once again, as the case became a focus of international attention, as some Scottsboro boys grew into broken or hardened inmates and as others tried, with varying levels of success, to build lives for themselves beyond the prison walls after their paroles in the 1940s. The clearly defined struggles of the first trial disappeared and were replaced with confusion, regret and recrimination. Though widespread doubts eventually developed about the guilt of the Scottsboro boys, only one received a pardon—in 1976.

It is into this disheartening web that James Goodman takes us. Patiently sifting through tales that have been told over and over, straining to listen to

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voices that few others have heard, Goodman has captured the terror and the agony of the 1930s. He has also shown us how the writing of history is changing in our time.

Goodman's book does not, as they say, fill a gap in the literature. It would not have occurred to most historians that we needed another book on this subject, for we already have a superb one in Dan T. Carter's *Scottsboro: A Tragedy of the American South*, which was published in 1969. Goodman does not set himself up as an opponent or a reviser of Carter, who appears in his acknowledgments. Goodman's liberal political sympathies appear similar to Carter's. No new cache of sources has been discovered in the quarter-century since Carter's book. And his use of evidence left little to criticize. In 1977 aggressive attorneys for the alleged female victims sued a team of television producers for defamation of character after the airing of a dramatization of Scottsboro based on Carter's book; the lawyers scoured Carter's notes but could find no inaccuracies.

Goodman wrote a new book on Scottsboro because he thought he had a new way of telling the story. *Stories of Scottsboro* illustrates a growing tendency among contemporary historians. Historians who aim for a popular audience have long prided themselves on writing "narrative history," in contrast to the supposedly arid analysis of academics; biographers and military historians, in particular, write in a voice that many readers seem to identify as real history, a voice that calmly and coolly passes judgment on the accomplishments and foibles of the presidents and generals paraded before us. To write narrative in this way is to tell a story with a firmly fixed point of view, with a beginning, middle and end, often with a single point to make. Carter's book on Scottsboro is fixed narrative at its best, sensitive and astute, but it is focused on the structured and public events of the courtroom. The central players are the lawyers and the political advocates.

Goodman is interested in something else, in what we might call an open narrative. In his preface Goodman tells us that he has tried to leave "plenty of room for additional questions, explanations and debate." He believes that there is no understanding Scottsboro "without trying to understand it from many different points of view." He hopes he has shown the "value of experimentation in the writing of history, a search for historical forms that do justice to the richness and irresistible power of the past and the stories we tell about it." Goodman admits that to write a coherent narrative he has imposed order "where there was rarely order, created the illusion of stillness, of comprehensible movement, out of the always seamless, often chaotic, flow of consciousness and experience." He has tried to transcend the much-bandied dichotomies of "objective" and "relative," "postmodern" and "traditional." He has done so with a scrupulous attention to sources—indeed, with such respect for them that he refuses to reduce them to his own purposes.

While historians have always recognized that the past was chaotic, it is not until recently that they have seemed concerned to convey that sense of chaos to their readers. Historians have assumed that their job is to find order beneath the surface randomness of past experience. Progressive historians found order in economic conflict; Marxian historians found it in class struggle; liberal historians found it in the not always successful struggle for democracy and progress, reflected in the lives of champions of reform. (Carter's book on Scottsboro is a good example of this liberal tradition.) Historians of a social scientific bent have found order in modernization or in the regularities revealed in statistical analysis. Whatever their perspective, most historians have believed it their duty and their opportunity to look through mere appearances to the hidden engines of history underneath.

But recently historians have begun to wonder whether order is implicit in history, or only in the stories that historians tell about history. There are more than enough causes for this new skepticism. The increasing importance of female, poor and black people in the telling of our nation's history, first of all, makes any idea of order based on the actions of dominant white men seem partial and distorting. When everyone deserves to have their story told on their own terms, the one big story tends to come apart at the seams. A single conflict is good for telling a traditional story, but multiple conflicts scramble the plot. When gender conflict and ethnic conflict are taken seriously, the older economic and political conflicts with which many historians have grown comfortable no longer seem to channel the important struggles in quite the same way. In a postscript to a new edition of his book in 1979, for example, Carter admitted that his discussion of the sexual background of the female protagonists in the story now seemed "out of place." An "angry feminist" rebuked him for emphasizing that the main witness had been a prostitute, pointing out that the alleged victim's prior status had nothing to do with whether she was raped. Carter agreed. What had seemed in the late 1960s to be a straightforward struggle between racial

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justice and injustice no longer seemed quite so straightforward less than a decade later.

Open narratives seem to be developing for another reason as well, which we might call trickle-down post-structuralism. Even the most traditional historians now realize that their colleagues in literary studies, philosophy and anthropology have raised good and unsettling questions about human knowledge and communication. Many historians view such ideas with undisguised contempt, considering them faddish at best, nihilist at worst. Most students of history hold a firm loyalty to the centrality and trustworthiness of the written record. Goodman himself bends over backwards to make clear that he is not abandoning established standards: "I have struggled to be true to my sources," he insists. "I decided whose stories to tell and how to tell them. I chose central themes and some of the contexts in which I would like them to be understood. I decided who should have the first word, and who should have the last." But the very insistence on such things—which remain unstated in fixed narratives precisely because they are assumed—reveals how self-conscious some historians have become about historical narrative.

Some of the inspiration behind the new, open narratives may come from other, less arcane sources. Telling a story from different and irreconcilable perspectives hardly seems a radical innovation to people who have seen *Rashomon*, Robert Altman movies, "St. Elsewhere" and "Upstairs, Downstairs." Anyone who has read Faulkner, Dos Passos or any of the host of fictional writers who have followed their examples will not be surprised that different people see things differently. And yet historians have stubbornly resisted such techniques, holding to a sort of nineteenth-century realism in which the author and the reader enjoy an omniscient perspective.

It is only in the context of such a conservative discipline, in fact, that Goodman's book would seem like an experiment or a bold innovation. Most of the writing in *Stories of Scottsboro* is not at all unusual; it is clear, expository prose. The organization is traditionally chronological, even if it does shift its focus from one actor to another. The book's innovations lie as much in what it leaves out as in what it includes. Goodman's book embraces a wide range of sources, legal and popular, and he proudly lists them in his preface. But missing from the book are some of the things professional historians care about most: an introduction and a conclusion, models or theories to test, debates with other historians. Goodman eschews all of those so as to call attention to the multiplicity of perspectives reflected in his multiplicity of sources. It is that lack of scaffolding that makes Goodman's book look innovative in an understated sort of way.

Goodman's loyalties become clear as the stories unfold: he believes that the Scottsboro boys were falsely imprisoned, that the women lied, that the courts were unfair. But his method encourages him to look at things through the eyes of the people with whom he disagrees. We come to understand how a white Southern judge and jury might view a New York defense lawyer as something other than the embodiment of justice. We come to understand how it could be that women from the very bottom of the white Southern social order might see themselves as the potential and real victims of the system that supposedly protected them. Perhaps most powerfully, we come to understand how it felt to be wrongly imprisoned for years, the object of sympathy, aid and neglect from competing groups with agendas that did not always match those of the defendants.

Fittingly enough, the most original and effective parts of Goodman's book are not those dealing with the traditional struggles in the courtroom, but the parts that explore the margins of the more familiar story: the hobo camps and prison farms, life on parole or on the run. He has evoked this world from a decade's worth of prison letters, from NAACP files, from autobiographies written in the protagonists' declining days. Shadowy parts of the South and the nation come into the light in *Stories of Scottsboro*. A book such as Goodman's goes a long way toward showing how potent history can be, how powerfully it can speak to our own time.

EDWARD L. AYERS teaches history at the University of Virginia and is the author of *The Promise of the New South: Life after Reconstruction* (Oxford University Press).

The Lone Soul State

BY SVEN BIRKERTS

The Crossing by Cormac McCarthy

(Knopf, 421 pp., $23)

The myth of Cormac McCarthy is the myth of hard knocks endured and surmounted. There were long, lean years when novels now seen as brilliant were unable to find an audience. The author acquired a reputation as a drifter, a misfit and an uncompromising solitary. And then, in 1992, came a double play. *All the Pretty Horses*, the first volume of McCarthy's projected Border Trilogy, won two of the major fiction prizes. All of a sudden everybody knew the writer and always had. Through the alchemy of retrospect, the sorry sales figures became dues paid, and McCarthy emerged as one of our grizzled eminences.

McCarthy's arrival at highbrow stardom may have seemed like a happy accident, but of course there are good reasons why it happened. Through sheer persistence, the author had begun to attain critical mass within the literary establishment. No less important, a decade or so ago the prose style changed, became more action-centered and accessible. Finally, that inchoate thing known as public taste seems to be shifting in McCarthy's favor, our fluctuant appetite for hard-bitten realism spiking up as hard-biting nature itself disappears.

Born in 1933, raised mostly in East Tennessee, McCarthy published his first novel, *The Orchard Keeper*, in 1965. It was a dense book, disturbing and lyrical. McCarthy found few readers and most of the reviews he got compared him to, inevitably, Faulkner and O'Connor. But to make this point about a Southern writer is to make no point at all. The critics might just as usefully have invoked Melville, Beckett, Joyce—or for that matter, any one of the whole dark chorus from Sophocles and Jeremiah to Nelson Algren and Juan Rulfo. Truer still would have been to downplay the genealogies and say, as Robert Coles (one of McCarthy's few perceptive early readers) did, that here was an author with a deep imagination of evil, a sharp sense of human limitation and a love of both austere and grandiloquent expression. But critics are generally uneasy without their slots and readers have never cottoned in large numbers to any grim vision of the truth of things. McCarthy's trio of Appalachian mountain folk—a murder-

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ous bootlegger, a fatherless young man and a half-addled old orchard-keeper—was left to wander in the limbo of the written about but unread.

The same fate befell his subsequent two novels, *Outer Dark* (1968) and *Child of God* (1973). The oeuvre was tending from brutal and pitiless to more so. McCarthy stayed in the Tennessee mountain setting, concocting scenarios as primal and stark as anything in literature. In *Outer Dark* a baby born of incestuous coupling and left to die in the woods is rescued; it lives long enough to draw its parents, brother and sister into a web of horrifying consequence. *Child of God* inverted the sense of its title, tracing the gruesome track of an accused rapist after his release from prison. There was nothing in any of these books to suit the predilections of a refined readership. Nor did McCarthy do anything to further his cause—he gave no interviews, made no exertions toward wooing a public.

Brutal and harsh as these first novels were, they were also stunningly well-written. From the first McCarthy has commanded a prose style of singular precision and intensity, a style that draws upon two very different idioms. One is unadorned yet finely graded and seems to extend onto the page from the landscape itself:

> Half a mile farther and the road turned up a hill, emerging from the woods to poke through a cornfield where a brace of doves flushed out and faired away to the creek on whistling wings. Beyond the field and set back up from the road was a small board shack with the laths curling out like hair awry, bleached to a metal-gray.

Then there is the more ornate style, a studied baroque, that every so often threatens to choke the more solid growth like some kudzu:

> ... a dozen jerry-built shacks strewn about the valley in unlikely places, squatting over their gullied purlieus like great brooding animals rigid with constipation, and yet endowed with an air transient and happenstantial as if set there by the recession of floodwaters.

To talk about McCarthy is to talk about style every bit as much as subject matter. His novels, for better and worse, are not much occupied with the intricacies of plot. Things do happen, of course, important things, but so often it seems as if they happen because the writer has willed it so. His gift, and his true fascination, are for beholding the world; for establishing page by page the densities of presence—of people as well as places and things. McCarthy meditates on creation, stares at it. He does not look past appearances, he looks through them. Describing a pair of boots, he writes: "They were cracked and weatherblackened and one was cleft from tongue to toe like a hoof." It is as if we are looking at the famous Van Gogh painting: we see the boots, but what we register are the weary miles, the human sorrow. The dynamics of this are hard to explain, but readers of McCarthy often testify to his ability to create a spell. He works by a process of steady engulfment, first putting new ground under the reader's feet, then a sky; then he pulls forth his myriad particulars from some place of dreamlike familiarity.

In 1979 McCarthy published *Suttree*, a massive novel in every way different from the pared-down works that had come before. He moved his setting from back-country to city, in this instance Knoxville, and at the same time indulged to the maximum his penchant for the hypertrophied style:

> He could hear the river talking softly beneath him, heavy old river with wrinkled face. Beneath the sliding water cannons and carriages, trunnions seized and rusting in the mud, keelboats rotted to the consistency of mucilage. Fabled sturgeons with their horny pentagonal bodies, the cuprous and dacebright carp and catfish with their pale and sprueless underbellies, a thick muck shot with broken glass, with bones and rusted tins and bits of crockery reticulate with mudblack crazings.

Like the earlier novels, *Suttree* is less an orchestrated set of plot developments than a serial progression, sequence after sequence showing forth the damnations of modernity—the waste, the venality, the hypocrisy—all images and episodes held together in the battered psyche of Cornelius Suttree, wastrel son of a wealthy Knoxville family. Suttree lives on his ramshackle houseboat on the Tennessee river and studies the world, suffering along with the derelicts he tries to help out, immersing himself in the tides of corruption until he can stand it no longer and must leave.

Suttree can be viewed as McCarthy's valediction to the Appalachian settings of his early career. In the 1970s he moved to El Paso, Texas, and took his fiction with him. In 1985 he published *Blood Meridian*, a violent chronicle of scalping raids in mid-nineteenth-century Texas and Mexico. This was his most savage expression yet and it may have effected a kind of purge, for the novels that follow are conspicuously different in focus and vision. With *Blood Meridian* there is also a distinct change in style, as if the new terrain were calling forth a new way of setting sentences to the page. From this point on McCarthy begins writing in a more tightly flexed and more colloquially rooted idiom—a complete turnaround from the language of *Suttree*. Now he builds his scenes with quick strokes, mostly outward narration and unpunctuated conversation; when images are used, they are charged and evocative. McCarthy's terse economy suggests a worldview by turns unsentimental and pitiless. The effect is—to resort to those traditional poles of comparison—more Hemingway than Faulkner:

> The kid lay listening. There were no new riders. After a while the judge called out again. Come out, he called. There's plenty of water for everybody.
>
> The kid had swung the powderflask around to his back to keep it out of the creek and he held the pistol up and waited. Upstream the horses had stopped drinking. Then they started drinking again.

But this is mild. More characteristic might be a passage like this: "The explosion filled all that sad little park. Some of the horses shied and stepped. A fist-sized hole erupted out of the far side of the woman's head in a great vomit of gore and she pitched over and lay slain in her blood without remedy." The reviewers of the novel spoke of it as a revisionist Western, Louis L'Amour rewritten with a bloody pen. But again McCarthy seemed to be using history to look beyond history—as if what really drove him were the desire to see human nature plain. Which, to judge by that novel, meant exacting a look at the worst.

In the two novels written since *Blood Meridian*, first *All the Pretty Horses* and now *The Crossing*, the writer seems to have changed his approach. Not that he has softened his estimate of the human capacity for evil, but he has established that estimate within a larger spectrum, one that also has room for redemptive forces. *All the Pretty Horses*, his story of two

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I am riding
the moving stairway
from the dark
caves of
Pennsylvania
Station up
to the granite noise
and flash of New
York City, still
expecting to see
my father (angel
with only
the curves of a
mustache for
wings) waiting
at the curb
in his finned
Chrysler,
having run the
stoplight from
the next world
back to this.

LINDA PASTAN

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teenaged boys riding through the countryside of northern Mexico in search of stolen horses and adventure, is distinguished far less by scenes of bloodshed or intimations of horror than by the frank exuberance of the narration and the breathtaking descriptions of the natural world. We find violence, of course, and scenes of gratuitous cruelty, but also moments of tenderness and humor. Battered by circumstance, John Grady and his friend, Rawlins, never lose a certain expectant readiness. McCarthy reminds us of his darker view of things only at strategic moments, though when he ends the book it is with an ominous intimation:

> He touched the horse with his heels and rode on. He rode with the sun coppering his face and the red wind blowing out of the west across the evening land and the small desert birds flew chittering among the dry bracken and horse and rider and horse passed on and their long shadows passed in tandem like the shadow of a single being. Passed and paled into the darkening land, the world to come.

The Crossing is in many ways similar to *All the Pretty Horses*. The characters may be different, but the terrain is the same, and the narrative inscribes the same vast circle: departure from home, extended wanderings in Mexico and return. And so long as we think of narrative as essentially incident and complication, as action tending toward a resolution, McCarthy's can be recounted quite concisely.

The novel basically tells the coming-of-age story of Billy Parham, a young man we first see growing up with his family in the rough range country of New Mexico in the early 1940s. In the opening scenes Billy is obsessed with trapping a marauding she-wolf that has crossed over from the mountains of Mexico and is attacking their cattle. He begs his father to be allowed to set the traps himself and one morning has success. With the extreme restraint that has become characteristic, McCarthy writes: "He rode out the gate before his father was even up and he never saw him again."

When Billy reaches the trap, the wolf is there. But instead of killing her—he sees that she is pregnant—he is moved to take her back over the border and free her. In this wrinkle of his character, this feeling for the maligned creature, lie the seeds of his fate. The journey that he undertakes is harsh, full of privations and difficult makeshifts. McCarthy stays with the external narration. We learn about Billy only by reading the signs of his actions. But through these we gradually arrive at a comprehensive sense of who he is. When the wolf is taken from him by a group of self-appointed authorities—hijacked for bloodsport—he follows. He watches the wolf fight off savage dogs for as long as he can bear it, then makes his move: "He stepped over the parapet and walked toward the wolf and levered a shell into the chamber of the rifle and halted ten feet from her and raised the rifle and took aim at the bloodied head and fired." The string of conjunctions in that sentence gives us a precise sense of how Billy wills his action forward in stages.

After killing the wolf Billy journeys back home, arriving to find the farmstead empty, suspended in a desolate silence. He walks from room to room, looking:

> He walked into his parents' room and stood. He stood for a long time. He saw how the ticking of the mattress bore the rusty imprint of the springcoils and he looked at that for a long time. Then he hung his hat on the doorknob and walked over to the bed. He stood beside it. He reached down and got hold of the mattress and dragged it off the bed and stood it up and let it fall over backwards. What came to light beneath was an enormous bloodstain dried near black and soaked so thick it cracked and splintered like some dark ceramic glaze.... He looked at it all and he fell to his knees in the floor and sobbed into his hands.

Billy understands now. His parents have been killed, the horses have been stolen; if he cannot find his brother, Boyd, he has nothing in the world. But miraculously Boyd *has* survived—Billy tracks him down—and the two brothers set off on Billy's horse, back to Mexico.

In the long sections that follow, the brothers patrol the mountain country of northern Mexico. McCarthy creates what feels like a dream of slowly unfolding days lived through hour by hour, mile by mile. The boys ride themselves to exhaustion, make camp. They eat when they can, mostly when some good person takes pity and offers them a plate of beans or some bread. During the course of their obscure journey, they find some of the horses and steal them back. Later they find others—there are standoffs, skirmishes with marauders. We find ourselves in a kind of frontier version of *The Trial*. It is never clear who serves whom or where the power comes from. Men on horseback ride up in clouds of dust, pistols are brandished. And with a minimum of conversation—never once speaking about the murder of their parents—the brothers push on.

The shape of the journey is determined by certain developments. Boyd falls in love with a 14-year-old girl, another of McCarthy's drifters, and she joins their entourage. Then Boyd is shot in a raid and nearly dies. When he is finally mended, when Billy has reunited him with his girl, he and she disappear, never to be seen again. Billy drifts disconsolately north, returns to the United States and tries to join the army. But the doctors discover a heart murmur and he is turned away. With a shrinking sense of options, Billy heads back to Mexico. When he arrives he learns that Boyd has been killed. The novel ends as he completes his last mission, finding his brother's bones and bringing them back home for burial.

Described thus, in terms of core episodes, *The Crossing* might not sound terribly compelling, especially since the characters do not interact on any level of sophistication; nearly all of the affect must be inferred. The theme, moreover, is one familiar from previous books: McCarthy maps again the brutal terms of existence and argues the unceasing need to be stoical and resourceful in the face of pain and certain loss. And yet, like *All the Pretty Horses*—more, I would say—*The Crossing* achieves resonance. By structuring the narrative as he has, by writing with such unflagging lyrical power, McCarthy displaces our focus from the outer events to the primal archetypes that underlie them. The novel shifts us constantly from the physical to the metaphysical, creating a recursiveness of action in which we suddenly catch the ozone whiff of human souls eking their way forward under an indifferent sky. *The Crossing* is only incidentally about the wolf or the horses or the many unexpected encounters. The message is more chillingly basic. An old man whom Billy meets unfolds the truth:

> He told the boy that although he was *huérfano* [an orphan] still he must cease his wanderings and make for himself some place in the world because to wander in this way would become for him a passion and by this passion he would become estranged from men and ultimately from himself.

He tells this to Billy before the boy discovers that he is literally an orphan. The old man is speaking in the Heideggerian sense: we are all solitary, plunged into being and made to suffer it.

The power of the novel depends entirely on McCarthy's ability to immerse us in the time and place, and this he does through his prose—through the cadences and word-sounds and the rightness of the images. The world is set before us with fever-dream clarity. McCarthy establishes density and mass; he incises detail as with an engraver's needle. And then, with simile and metaphor, he sweeps everything into profound animation. His descriptions can range from the earthbound and homely ("The wolf was standing bowed up in the road with its hair all wrong like something pulled backwards out of a pipe....") to the more ethereal: "When

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the flames came up her eyes burned out there like gatelamps to another world." This is poetry, and one reads it with a sort of covetousness, returning to passages just for their beauty:

> The sun was low in the west and the shape of the light from the window lay suspended across the room wall to wall. As if something electric had been cored out of that space.
>
> His eyes were very blue and very beautiful half hid away in the leathery seams of his face. As if there were something there that the hardness of the country had not been able to touch.
>
> The horse's ears quartered the compass for the source of the noise.
>
> He was perhaps a mile out and he approached in a series of thin and trembling images which in those places where the foreground was flooded would suddenly augment in their length and then shrivel and draw up again so that the rider appeared to advance and recede and advance again.

McCarthy is writing entirely against the grain of our times, against the haste and the distraction and the moral diffusion. This doubtless has much to do with his appeal: we crave what we hasten to evolve from. As we lose the deeper sense of space and time, as we become riders of the information highway, creatures of call-waiting and tax-deferred annuities, we cannot but see works like this as a kind of amber in which older ways of life have been immobilized. We become aware as we read of weather, distances, the grain and heft of implements; we feel the envelope of silence around each person. And how eloquent are McCarthy's encounters and partings—they define a sense of space most of us have never even glimpsed. Men and women in doorways, watching as riders reduce to pinpoints in the distance, and watching still. As an old, more spacious world rises up, we experience a more vivid and consequential feeling about human destiny. We are in a place where questions about good and evil and matters of the spirit do not sound forced or literary.

McCarthy has been, from the start, a writer with strong spiritual leanings. His orientation is Gnostic: he seems to view our endeavors here below as a violation of some original purity. But a sensibility so attuned to earthly beauty cannot be oblivious to the higher promptings of the soul. His intuitions are of the most primary sort, never even remotely doctrinaire. In the early books we heed his exacerbated awareness of violence and cruelty, of evil, without finding much place for the good. But now, in these most recent works, we meet up quite often with decency. There are venal killers, yes, but they are outnumbered by the poor who emerge from their dwellings to offer succor. Time and again Billy and his brother are taken in, fed and humanly honored:

> At dawn the day following while he saddled his horse the workers came out bringing gifts of food. They brought tortillas and chiles and *carne seca* and live chickens and whole hoops of cheese until they were burdened with provisions beyond their means to carry them. The Muoz woman gave Billy something which when she stepped back he saw was a clutch of coins knotted into a rag.

At moments like this, McCarthy attains the dense simplicity of parable. Indeed, he includes in the novel an extended interlude that could have come directly from one of the God-possessed writers of an earlier day. Before he returns from his ill-fated mission to free the wolf, Billy meets another old man, a hermit of sorts, who tells him a lengthy tale about a priest and a visionary outcast. It is given to the latter to embody the true holy spirit and the priest must humble himself considerably before he can learn the lesson intended for him:

> The priest saw that there is no man who is elect because there is no man who is not. To God every man is a heretic.... Every word we speak is a vanity. Every breath taken that does not bless is an affront.... In the end we shall all of us be only what we have made of God. For nothing is real save his grace.

One would think such words would sit strangely in this rude context of vigilantes and drifters, but they don't. McCarthy's vision of silences and spaces consorts readily with the movements of the religious imagination. It is for us to square the sense of the embedded parable with Billy's meandering track. We must factor in as well these words from a mysterious rider Billy meets on his way back north. In what is one of the last exchanges of the novel, the man addresses him: "This world will never be the same, the rider said. Did you know that?" Billy replies: "I know it. It ain't now." We can read this as a secular counterpart to the visionary's message: it identifies the principle of change and rebirth without ascribing it to a deity. The two perspectives stand like shifting background panels. In the foreground Billy Parham, who has fought and ridden and looked for a way home, lays his brother's bones to rest in a small graveyard. Then, like John Grady, he sets off again, more orphaned than ever.

SVEN BIRKERTS's *The Gutenberg Elegies: The Fate of Reading in an Electronic Age* will be published this year by Faber & Faber.

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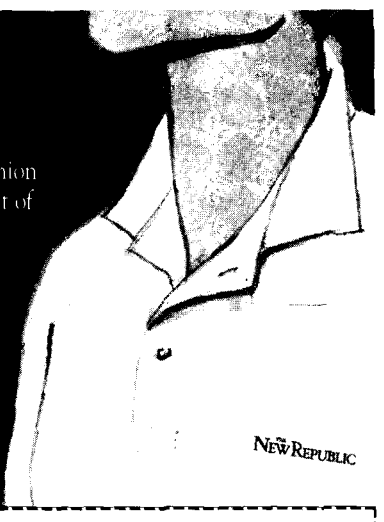

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WASHINGTON DIARIST

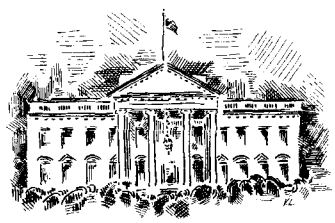
Diddler on the Roof

I WAS SITTING SERENELY ON A stone porch in Jerusalem, watching the afternoon light steal over hell, or the valley of Gehenna, where the civil rights of ancient Canaanites were regularly violated, when I read of "the Talmud incident," as *The Washington Post* ominously called it. The incident took place in Chicago last month, at a theological seminary, where a professor was placed on probation, sentenced to sexual harassment workshops and forbidden to be alone with students as a consequence of introducing his class to "the roofer story."

> So there was this man on a roof who stripped off his clothes because of the heat. In a courtyard below, a woman also stripped. A sudden gust of wind blew the man off the roof. The couple inadvertently had sexual intercourse.

This was how Edward Walsh began the story in the *Post*, like the Jewish joke that it is not. "A fanciful story ... in the Talmud," he called it. In truth, the story is a little less fanciful in Baba Kamma, the tractate of the Talmud in which it appears; the stripping is the reporter's invention, and perhaps the professor's. According to the reporter, the professor taught that the man and the woman are not guilty of adultery, in the judgment of the Talmud, "because the encounter was not intended." He wished to distinguish the rabbis of Baba Kamma from the rabbi of the Sermon on the Mount, who convicted for adultery more stringently, on the basis of intention, for "he hath committed adultery with her already in his heart." The professor confused the difference between the rabbis and the rabbi; they differed not about the necessity of intention, but about the sufficiency of intention. Anyway, I do not see how the diddler on the roof sinned even by the standards of Jesus, though I do see how the standards of Jesus might prosper in our own hormonally panicked, wildly litigious society. And so I was not surprised to learn that a woman in the professor's class, good feminist and good seminarian, filed a formal complaint about "the roofer story." She had taped it in the classroom. Totalitarians, I am reminded, always took notes. There are note-takers who come to learn and note-takers who come to teach.

I WAS ESPECIALLY DELIGHTED BY this turn in the inquisitorial insanity of America, since this particular text has for years especially delighted me. It is a small masterpiece of Jewish grotesquerie; and it is preceded by another small masterpiece, which treats the case (I quote the text) of "a man who throws a child from the top of a roof and somebody else suddenly appears and catches it with a sword." According to Rabbi Judah ben Bathyra, the gentleman who caught the baby on his sword is guilty of murder, whereas "the rabbis," as the Talmud describes what we would call the conventional wisdom, fail to find a murderer. The perfect crime. Oh, those rabbis. And yet it is important, now that Baba Kamma has hit the front page, that we make ourselves students better than the students in the professor's class. For this text is not, if you read closely and think strictly, ridiculous; it is, rather, the expression of a willingness to entertain the ridiculous, and the spirit that animates this willingness to entertain the ridiculous is precisely the opposite of the spirit that the correct of Chicago hastily imputed to it. So, having completed our morning prayers and having prayed for the peace of Jerusalem and Jericho, let us open our books and see the thing itself.



"RABBAH ALSO SAID," THE PASsage begins, "[that] a man who falls from a rooftop and is thrust into a woman is liable in four ways." This bizarre fantasy is not about adultery, it is about injury; this is a case of torts. And the culpability under consideration is not the man's and the woman's, it is the man's: specifically, the man's culpability toward the woman. As for the "four ways" to which Rabbah refers, in Jewish law there are five kinds of liabilities for personal injury: for damage, for pain, for medical costs, for unemployment, for degradation. The text instructs that the diddler on the roof must provide compensation for all these wounds, except the last. "He is liable," Rabbah continues, "for damage, pain, medical costs and unemployment, but not for degradation, since it is stated [elsewhere in the tractate] that one is not liable for degradation unless degradation was intended." Our airborne cocksman, it will be agreed, cannot have planned his feat. (The text also warns that with his fall he has not consummated a levirate marriage, but it is already a long, hot summer.)

THE PLOT THICKENS. "RABBAH also said [that] if he fell from a rooftop in an uncommon wind and he caused damage and degradation, he is liable for damage, but exempt from the other four things," since he was clearly a plaything of the weather. "If, in a common wind," Rabbah continues, "he caused damage and degradation, he is liable for four things but not for degradation," since there is no evidence, again, of the man's intention to degrade the woman. And now the extraordinary conclusion of the passage: "If [while falling] he flipped over, he is liable also for degradation." Consider this circumstance closely. It is, to be sure, a little comic. He flipped over after he fell and before he landed, so as to reward himself for his misfortune with sex; this is the tale of a man on the way down trying to make the best of a bad situation. But finally the flip is a deadly serious fact. It denotes the transforming presence of an intention. The flip marks the moment when an accident turns into a rape. And so the full force of the Jewish law of torts is meted out to the wretch.

THE FEMINIST, THEN, OWES THE Talmud an apology. This text that appears to be another outrageous expression of the ugly, ancient, patriarchal appetite for the mental objectification, and the physical violation, of women, this pharisaic exercise in the pornographic imagination, this offensive indulgence of piggish casuistry, turns out to have been designed for the protection of women. The business of this rabbinical discussion is to prepare women, and the law, for the unlikely and the worst. It is a text for which the woman is the victim. It does not, to put it mildly, idealize the man, who is robbed of all extenuations. You might even say that Rabbah, who flourished in the early fourth century in Babylonia, anticipated a certain sort of feminist paranoia. In his discussion of the diddler, certainly, his outlandishness was a measure of his decency, of a sense of justice that traveled to the outer limits of probability, that preferred looking ludicrous to letting the wicked prosper. In the late twentieth century in America, by contrast, we have found a way of letting the wicked prosper *and* looking ludicrous. Time for our afternoon prayers.

LEON WIESELTIER

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Where We Stand

By Albert Shanker, President
American Federation of Teachers

The Crab Bucket Syndrome

When teachers at Frank W. Ballou Senior High School in Washington, D.C., talk about the *crab bucket syndrome*, they are describing a terrible fact of life at their inner-city school. That is, the way kids who have surrendered to the culture of gangs and drugs react to a kid who is trying to escape it: They do their best to pull him back into the bucket.

In a recent *Wall Street Journal* article (May 26, 1994), reporter Ron Suskind talks about Cedric Jennings, a 16-year-old student who is trying to escape from the bucket. He's knocking himself out to make it to college—MIT is his dream. But as big a job as this would be for a 16-year-old anywhere, it looks nearly impossible for someone attending Ballou.

According to Suskind, students at Ballou are more likely to be schooled in the violence of the streets than in math or history. This year, one student was shot by another during lunch period, a second was hacked with an ax and a body turned up near the school parking lot. The dropout rate at Ballou is astronomical—20 percent of the sophomores who registered last September were gone by Thanksgiving. But staying on doesn't mean kids are devoted students. Only a tiny percent get average grades of B or better, and Suskind quotes a teacher who says that conducting a class is a lot like "crowd control."

Even kids who are able to nurture dreams and work hard to realize these dreams are likely to be crippled.

What does all this mean for the few students like Cedric who are eager to learn? While teachers are occupied with 17-year-olds who read at a fifth-grade level or with kids shouting obscenities, those interested in learning are left to take care of themselves. As one teacher says, they "have to put themselves on something like an independent study course to really learn—which is an awful lot to ask of a teenager."

But what Cedric is put through by the other kids makes school a million times more difficult. Lots of adults remember how they were sometimes taunted at school for being a "brain" or a "grind." At Ballou, the abuse never stops.

Suskind describes a school assembly at which outstanding students were supposed to receive awards. Fearing that these kids wouldn't come and subject themselves to sneers and catcalls, school officials kept the awards a secret. "It sends a terrible message," says the assistant principal, "that doing well here means you better not show your face." However, the message is accurate: One unfortunate honoree had to be ordered to come to the stage as other kids shouted "Nerd!" at him. But bad as it is, this kind of public humiliation is not the worst. Cedric has been threatened with a gun and is regularly beaten up.

The kids who sneer and threaten and brutalize explain their behavior by calling students like Cedric *traitors*. They say that academic achievement is a "white thing" and kids who work hard in school are showing disrespect for black people—as if the only way to be authentically black is to be a gang member or a dope pusher. But underlying this reaction, of course, is despair. As one teacher puts it, these kids "think they're supposed to drown."

Cedric has been relatively lucky. His mother has supported and encouraged him since he was a tiny child. But even kids who are able to nurture dreams and work hard to realize them are likely to be crippled. A recent Ballou graduate who has gone on to college finds that, for all her hard work and success in high school, she is poorly prepared to do college work—and she wonders if she can possibly make it.

Suskind's description of life at Ballou raises a number of painful questions. Are we going to lose a whole generation of inner-city youngsters? What can we do, right now, to reverse what looks like an irreversible process?

I don't know the answers to these big questions, but one thing is clear. Every inner-city school, no matter how blighted and hopeless, has a core of Cedrics. It's immoral to leave them in a situation where their efforts to learn—to do what society wants them to do—will harm them. And for every Cedric, there are other youngsters who would like to learn and achieve but who don't dare take on the mob. To say, as some people do, that leaving the gang members and bullies in with the achieving kids will somehow improve them is like saying that putting a group of Harvard or Princeton students into Sing Sing would improve the hardened criminals. That's ridiculous. We need to help violent kids, but letting them rule the schools isn't helping them, and it's destroying the kids who want to save themselves. That's not decent, wise or practical.

Mr. Shanker's comments appear in this ad under the auspices of the American Federation of Teachers. Reader correspondence is invited. Address your letters to Mr. Shanker at the AFT, 555 New Jersey Avenue, N.W., Washington, D.C. 20001. © 1994 by Albert Shanker.

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